DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1994

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

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PART 2B

DEPARTMENT OF JUSTICE

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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS FOR 1994

Tuesday, May 4, 1993.

IMMIGRATION AND NATURALIZATION SERVICE

WITNESSES

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MICHAEL J. ROPER. DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Smith. This morning we continue the hearings with our review of the Department of Justice.

We will now hear testimony from the Immigration and Naturalization Service (INS) with a request for \$1,018,052,000 for their Salaries and Expenses appropriation for fiscal year 1994. In addition, the INS estimates obligations of \$608,000,000 from their various fee accounts. We will insert in the record at this point the INS fiscal year 1994 budget justifications.

[The justifications follow:]

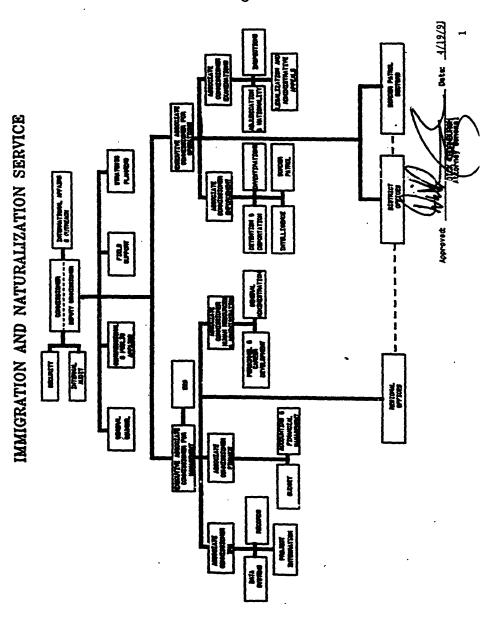
Department of Justice

Immigration and Maturalization Service

Estimates for Fiscal Year 1994

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Immigration and Naturalization Service Salaries and expenses Summary Statement Fiscal Year 1994

The Immigration and Maturalization Service (INS) is requesting, for 1994, a total of 11,867 permanent positions, 11,380 workyears and \$1,018,052,000. This request represents an increase of \$40,125,000 over the 1993 appropriation anticipated of \$877,927,000. INS is also requesting 118 positions, 118 workyears and \$10,946,000 as part of the 1994 consolidated Organized CTIme Entry Enforcement (OCDE) budget request. OCDE resources are contained in the Department of Justice Interagency Law Enforcement Appropriation and will be allocated to INS on a reimbursable basis. The major program changes included in the 1994 request are described below.

Investments

Mill enhance those program investments of 457 positions, 258 workyears and \$25,514,000. These resources
Will enhance those programs involved in the identification, detention and expeditious removal of oriminal alians. The
investment request is contingent upon enactment of an omnibus budget reconciliation act that contains the President's
deficit reduction package.

Ingractions: The 1994 budget request includes a program increase of 163 positions, 81 workyears and \$10,000,000 to improve service at major urban-area ports-of-entry. The number of inspections completed at land border ports-of-entry has increased from 266 million in 1984 to a projected 453 million inspections in 1993. Staffing levels have not kept pace with workload growth and land border crossings have become increasingly congested and long backups are now regularly experienced. The additional resources will bring about a reduction in waiting times by enabling the Service to expand inspection automation capabilities, staff new ports-of-entry, and open an additional 27 of its existing 460 vehicle lanes.

Investigations: An increase of 35 workyears and \$2,343,000 is requested for the investigations program to expand the Institutional Hearing Program (IHP). The goal of this program is to ensure the immediate removal from the United States of convicted alien felons upon completion of their sentences by identifying them and initiating their deportation while they are still incarcerated. The dedication of 35 workyears to this program will allow its expansion in the five States with the greatest populations of incarcerated aliens as well as the IHP's expansion to three Federal facilities. It is projected that nearly 5,000 additional criminal aliens can be deported annually with this increase in program resources.

4

<u>Detention and Deportation Program:</u> The Detention and Deportation request includes an increase of 254 positions, 122 workyears and \$11,000,000. These resources will provide the staffing necessary for the expansion of the Florence and El Centro Service Processing Centers (SPCTs). These SPCTs are being expanded by 375 bedspaces and will be operational in 1994. These resources will also provide for the increased alien travel, detention and welfare funding needed to efficiently use the 375 additional bedspaces at the Florence and El Centro facilities, and to expeditiously deport oriminal aliens.

Legal Recommings Records. An increase of 40 positions, 20 workyears and \$2,171,000 is requested for the Legal Proceedings program. These resources will provide paralegal and support staff to enhance the ability of INS attorneys to emphasize deportation cases of criminal and other illegal aliens.

Program Decreases

Program decreases of 174 positions, 173 workyears and \$14,754,000 are requested as Presidential policy initiatives so that the Service may meet targeted workyear and resource levels of the Administration. These decreases include 174 positions, 173 workyears and \$10,935,000 in full-time equivalent (FTE) reductions, as well as \$3,819,000 in administrative savings.

Immigration and Naturalization Service Salaries and expenses Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

and of which not to exceed \$10.000.000. shall be evaliable for costs associated with the Training program for basic officer training 597 of which 302 8992,538,000

Investments

Provided further, That the Land Border Fee Plot Eroiect Established For Border Established Lo. 1993. As extended to Estember 30, 1993. As extended to Estember 30, 1996. In addition to amounts otherwise available under this head and subject to the same terms and conditions, \$25,514,000.

Explanation of Changes:

- The first change will allow for the purchase of passenger vehicles that will accommodate the Service's
 vehicle replacement needs.
 The second change will allow the Service to use up to \$10,000,000 for expenses related to basic officer
 training needs.
 The third change will allow for the extension of the Land Border Fee Pilot Project to September 30, 1996.

Immigration and Maternitation Service Substice and experies Groundly of 1993 Changes (Dolars in thoumas)

							Transferred	Adjustments	nest	Perm. Pos.	ž						
	Ť	1993 President's	3 1;	300	secies	Congressional Approp.	E 2	in Perm. Pos.	ž	& Workyear	year				188	1993 Appropriation	황
	å	Budget Request	local	Action	99	Actions on 1993 Request	ONDC	A Wortyean	ner!	Reductions	lone	Rep	Reprognanian	d	<	Asticipated	
Activity/Trogram	Š	WX	ABL	ğ	×	Ant	ΔBL	2	XX	<u> </u>	XX	ğ	XX	Ant.	ğ	X.K	AML
a. Inspections	1,145	3,	*	:	:	-\$2,916	\$173	3,	3,	=	=	===	=	160'66-	8	*	28.18
b. Border Patrol	5,127	3	352,486	92	ş	-26,314	12,001	:	;	ş	ş	÷	:	2,48	4,863	172,1	361,659
c. Investigations	1,632		15,583	ŗ	*	-5,819	22	i	:	:	÷	ŧ	ŝ	14.5K	¥.	003	139,509
d. Anti-Sauggling	317	ĸ	57. Z	:	:	£	:	:	;	:	ŧ	-317	142	- Z 7.20	:	:	:
e. Detention & Deportation	7.0	<u>3</u>	10,03	\$ 7	ş	-77.68	:	:	;	8	8-	7	7	-555	<u>*</u>	X	161,636
f. Intelligence	=	Z	¥.	:	I	-1	į	~	7	7	7	~	•	7	3	23	5,445
g. Employer & Labor Reintiens	\$	*	5,23	:	:	1	i	-	ı	:	÷	\$	#	-5,23	:	:	
SeWotel	10,067	119'6	784,495	3.	-131	-62,908	12,927	-51	-51	51-	ᅙ	*	5	14.69	9,266	9.280	753,153
2. Immigration Support																	
e. Training	š	*	11,628	ŧ	;	- 306	;	;	;	7	7	Ŗ	<u>۾</u>	-3,036	2	ĸ	8,286
b. Data & Communications Systems	2	\$	57,890	:	:	- 9,002	:	:	÷	7	7	Ē	:	#-	3	137	44,742
c. Information & Records Mgmt	6	Ē	X E	:	:	1,290	i	Ξ	÷	٥,	<u>0</u>	£ ;	-315	-15,727	٤	7	41,430
d. Research & Development	•	•	₹	:	i	-	1	:	;	:	:	:	:	8	•	-	3
e. Construction & Englacering	=	2	19,283	i	£	# =-	:	:	:	;	:	-	-	×	=	=	1331
f. Pield Management & Support	Ŕ		222	:	;	i	į	3	;	:	ŧ	87	-221	-22,592	:	:	Ε
g. Legal Proceedings	3		74.41	5	2	-3,524		9Î -	9	111	-			#	437	\$	30,029
Ss Motel.	7.18	2051	204,825	5 -	ņ	-24,113	;	•	91-	=	÷	3	- 545 -	-41,497	1,470	1,404.	137,215
3. Program Direction																	
a. Executive Direction & Control	\$	Z,	a.	:	i	i	;	:	:	:	ŀ			-1,1	፡	;	:
b. Administrative Services	ķ	Ē	1 5	i	;	:	i	:	:	÷	:	ķ	٠	-61,034	£	;	i
c. Mangement & Administration		2	=			-1254		,,,	:		-	ş	-	5113		8	239
Salvotal	£	3	1,23,1	:	-	-125%		:	-		:	¥		26,858	¥	8	17,559
	12,759	12.107	1,066,577	3	3	- 101,577	12,927	£-	£-73	-116	-117	-336	-353		11,598 11,444		126,179

Constituted Appropriate Actions. The Congress ppropriated 9905,000,000 for INI in 1973. Program enhancements comined in the badget enquest were unfusted by Congress. The appropriation required badget have reductions half program.

Instituted firm ONGE. The Compress or unudes of \$7,000,000 from the Special Perfetture Pasé for the particles of Border Pirol septement. An additional \$5,977,000 in HIDTA hashing ma sine received. Adminimit le L'organis Lockins and Wordzulle. In order to opene with a the oppropriation approved by the Congress, it was necessary to adjust positions and wordynam in these programs.

Lecusaris Loublog and Working Andreiten. To implement the Praident's FTE policy intuitives.

ARREGIAMME. The representable of positions, wortynen and bodget authority reflects the paramacent effects of the security 19, 1992 and the August 25, 1992 reprogramming southautons arbaited to Congress.

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	P 8	¥	Amount
11.787 7000 as write to Case;	11,787	11,674	8965,000
Transferred from other accounts (ONDCP / Bosolal Fortalture Fund)	;	:	8,7
Transferred from other accounts (ONDCP / HIDTA)		: :	5.927
Adjustments in permanent positions and workyears.	•	2	:
Permanent positions and workyear reductions	==	-11	
1993 appropriation anticlosed of	2.56	11.484	977.927
Technical Adjustment.	7	•	-2,185
Decrease in unfunded workyears	•	9	:
Mandatory Increase	:	:	46,721
Decrases			
Decreases (automatic, non - polkoy)	:	:	-227
Decrease of one-time transfer from other accounts (ONDCP / Special Forfeture Fund)	:	:	-7,000
Decrease of one-time transfer from other accounts (ONDCP / HIDTA)	:	:	-5,927
Administrative Brights	:	;	-4,01
994 bate.	1.564	11,296	1,007,292
11.564 11.564	11.584	8 2.=	1,007,292

	2	63 Approprie	5			•						
i		Anticipated		=	1994 Beseine	•	=	1994 Eatimete		Increse(Dec:esse	ese/Dec:e	3
	Perm			Perm			Pera		•	E		
Estimates by budget author	P8	Pos. MX	Amount	Poe	¥	Poe. MY Amount	Poe	¥	Poe. MY Amount	Pos. MY	Ä	Amen
1. Enforcement 9,268 9,280	9,26	9,290	\$750,153	9,266	S	9,266 9,133 \$770,496	9,532	9,216	9,532 9,216 \$781,906	2		\$11,40
2. Immigration Support	1,470	1,404	137,215		1,364	1,470 1,364 146,043	1,480	1,363	1,489 1,363 145,734	•	7	.8
3. Program Direction.	98	8	87,559	3	8	190,751	848	8	80,412	ě	:	3
Total	11,506	11,484	977,927	11,564	11,298	1,007,292	11,867	11,360	1,018,062	2	2	10,76

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Reimbursable Recourses
Reimbursable Recourses
Rummary of Requirements

		1992 Actual	_	=	1993 Zeilmete	21	91	1994 Eelimete	21	herea	increase/Decrease	3
Energia:	ð	¥	Amount	Poe	¥	Amount	Poe	¥	Amount	Pot	₹	Amount
Obligations by source:												
Organized Crime Drug	3	į		\$	į		:	;		•	•	1
Assets Fortelian Fund	<u>g</u> :	<u> </u>	3.241	ğ :	<u> </u>	2,70	•	<u> </u>	2,700	¥ :	,	P :
Menegement of the							i	ŀ	;	:	į	ŧ
Chester Arthur Building	-	-	2	-	-	8	-	-	8	:	ŧ	ŧ
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Obligations by presents;												
Enforcement												
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treetestone	: 2	: 2	13.226	: 8	: 8	13.619	: 5	E	13.746	: eq	: 9	: 27
Determion and Deportuiten	3 %	3	2	18	35	215	1	¥.	21	30	30	1
	8	<u> </u>	9.14	Š	Š	5	<u>.</u>	9	0/8'61	N I	Ņ	2
Inmigration Support			3									
Data and Communications	: :	: :	3.22	: :	: :	2,700	: :	: :	.700	: :	: :	ŧ
Presently and Development	:	1	٤	1	1			1	1	:	:	1
Constitution and Engineering			1		-1-			-1-	8	3	3	ŧ
,		•	ļ	•		ļ	•	•	Ì	:	i	i
Program Unsetten: Menasoment and Administrator.	:	:	3	;	:	8	i	;	8			
	1	3	12	1	1	18	1	3	18	1	3	3
Total	183	8	19,01	12	121	17,640	=	91	17,776	7	-	2

Note: Excludes toe accounts that are contained in Appendix F.

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Immigration and Naturalization Service Justification of Reimbursable Pesources

Inspections Source of Reimbursement		1982 Ach	3		993 Estin	inte	=1	Pod Estin	8	Inor	0000/Dec	1000
	Poe,	¥	Amount	Po.	¥	Amount	Poe.	≩	Amount	Poe	¥	WY Amount
Assets Forfeiture Fund	:	:	8	:	÷	1	:	:	::	:	:	:
Miscellaneous reimbursements	#	3	8	#	1	2	3	9	2	3	#	3
1018	;	:	8	፥	:	₹	:	:	<u></u>	Ė	:	:
Goods or Services Provided:												

The resources obligated in this program from the Assestia Forfeiture Fund were used to complete the equipping of vehicles used for lew enforcement purposes.

The miscellancous reimbursements are seeked from employees in the form of ent payments for government—owned quarters and from private alread owners who pay a fee for inspection services when surking from a foreign country.

Estimate incress Decress	WY Amount Pos. WY Amount	
8	Pos	: 1:
릙	Amount	: <u>8</u> 18
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	Pos	: # :
a	Amount	138 138 170
1992 Ach	W	: #:
	P0.	: 4:
Border Patrol Source of Reimbursement		Assets Forteiture Fund. Miscellaneous reimbursements Total

Goode or Services Provided:

The resources obligated in this program from the Assests Forleture Fund were used to complete the equipphig of vehicles used for law enforcement purposes.

The miscellaneous reimbursements are primarily received from the sale of used and obsidete equipment and from rent paid by employees who occupy government owned quarters.

Everage of Reinturement		1992 Actual	3	-	1903 Eelimete	e e	_	1994 Estimate	*	TJ L	rees/Decre	1
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Organized Crime Drug Enforcement	5 2	5	\$10,550	5	\$	\$11,019	118	118	\$10,946		-2 -2	E.
Assets Fortelture Fund	፥	:	2,577	:	•	8	:	•	2,2	:	:	ŧ
Miscellaneous reimbursements	¥	¥		ź	ij	80				*	36	*
	3	2		2	2		2	2		•	•	•

Goods or Services Provided:

Under the OCDE program, investigations receives workyears and budget authority to permit a more effective involvement in major and "drug investigations involving chimbia aliens."

The resources obligated in this program from the Assets Forfeture Fund were used to compicte the equipping of vehicles used for law enforcement purposes. The miscefensous reimbursements are primarily received from the sale of used and obsides equipment and from rent paid by employees who occupy government—owned quarters.

Justification of Increase(Decrease);

The OCOE program anti-flee carried out by the investigations program have demonstrated a degroe of effectiveness, which justites the affocation of these resources. The reduction in 1994 is required to achieve budget deficit reduction targets.

Source of Reimburgement		1992 Achie	3	-	1993 Enimate	-	=	1994 Erdmete	#	Prece	Inercase/Deerman	2	
	P.	¥	Pee WY Amount	8	Ħ	Pos. MY Amount	ž	Ħ	Poe. MY Ameunt	Pre. YYY Ameunt	Ħ	Amend	
Miscellaneous reimbursements	1:	3:	gp	1:	3:	gpe	# :	3:	gp	1:	3:	# :	
Goods or Services Provided;													
The mispallaneous reimbursements are primarily received from companies deemed responsible for alians being in the county linguity and from employees paying rent for government—owned quarters.	y received t	dimos mo	aries deemed r	appone (C)	for eleme	being in the o	antry Beg	4	om employees i	Prof Britan	ž		

Fourte of Reimburnement.		1992 Actual	3	_	1960 Estmete	#	=	184 Erfmete	#	H	hereacters.	-
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laseta Forfettire Rund	3	1	818	3	3	ŧ	3	1	3	1	3	1
1016	፤	Ē	B	:	:	:	i	:	:	i		i
Goods or Bendoss Prostdart												

Qoods or Bendoss Draidset.
The resources received from the Assets Fortebure Fund were used to support training related to the operation and management of their assets fortebure program.

Data and Communications Systems Source of Pelmburganens		1002 Actival	7	7	1999 Enfimete			1984 Estimate	*		ersee/Demose	
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Mocellancous reimbureemente	1:	# :	11.	1:	1:	884 T	# :	3 :	31	# :	1:	ŧ:
Goods or Bendess Presides.												

Pasourose obligated in this program are used to provide assential data processing and communications support for major program astitution. The simbursements to this program are primarily received from other agencies for provision of statistical data and communications support astitution.

In 1992 rolmburable resource were received for secure communications equipment which is needed to support drug anknownent ependiens.

Research and Development Bourse of Delmistrement		1982 Actual	3	_	NO Eath	1983 Eefmale	=	1884 Entimate	1	H	School
	ä	됥	Pec MY Amount	Š	Ħ	America	Ź	Ħ	Des. MY Amend	De MY	Ħ
Micoellaneous reimbursements	1 i	# :	E F	11:	3:	1:	# i	\$:	1:	1:	1 :

<u>Qoods or Bendoss Provides.</u>
This program provides basis research and development sentoes to all programs within the Bendos. Reimbursements are received from other agencies for obligations releated to john research ventures.

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nate	WY Amount	88 38
993 Estimet	¥	
-	8	
78	WY Amount	<u>=</u> 3.63
1992 Ach	¥	
	8	
Construction and Engineering Source of Reimburgement.		Management of the Cheeter Arthur Building

Goods of Services Drodded:
Resources obligated in this proof to provide adequate facilities for Bendre operations.
The reimbursable resources obligated in this program are used for the management of the Chester Arthur Building and for utilities costs.
The reimbursable resources obligated in this program are used for the management of the Chester Arthur Building and for utilities costs.

Management and Administration Source of Reimbursement		1992 Actual	1	-1	1963 Estimate	#	#1	1994 Estimate	arte	ijou	Q.	20000
	Pos	≩	Pos. WY Amount	Poe.	¥	Poe, WY Amount	P06.	¥	Poe. WY Amount	Poe	¥	Pos. WY Amount
Miscellaneous reimbursements	# :	3:	<u> </u>	3 :	11:	<u>8</u> 2	3:	11 11	99 90 90 90 90 90 90 90 90 90 90 90 90 9	4 :	11	3 :
Goods or Services Provided;												

Recourse obligated under this program provide essential administrative support in such area as personnel sendose, accounting, procurement and property management. The miscellaneous reimbursements are primarly received from the sale of used vehicles and obsolets equipment.

immigration and Naturalization Service Salaries and expenses Base Comperison (Dollars in Incusands)

		1993 Appropriation Anticipated	lation		1994 Base		2	1994 Baseline	ě	incre.	hcresse/Decresse	20
Estimates by Program	P 9	¥	Amount	Posm.	¥	Amount	Pos.	¥	Amount	Pos B	¥	Amoun
Enforcement:	į	•		,		:	;		:			
Inspections	8	8	8	8	. 3 . 3	100 449	8	35	27.00	:	:	
Border Patrol	4,863	4,57	361,659	4	4,57	980,030	4.	4,671	00000	:	:	
investigations	8	8	139,509	<u>.</u>	689	145,975	<u>.</u>	<u>.</u>	145,975	:	:	
Detention and Deportation	-488	1,478	161,636	-,466	1.476	170,518	-	1,476	170,516	:	3	•
Intelligence	8	24	5,445	8	2	5,526	8	2	5,628	:	:	:
Subtotal	9.288	9,280	763,163	882.6	9,133	770,496	9,298	8	770,496	***	:	1
immigration Support:												
Traing	4	2	902.9	=	2	8,461	4	R	8,461	:	:	Ξ
Date and Communications Systems	5	167	48,742	ž	5	3.3	<u>-</u>	E	53,531	;	:	:
information and Records Management	٤	?	41,430	28	8	43,250	28	8	\$ 280	:	:	ż
Research and Development	4	•	20	፥	:	:	:	Ξ	:	:	:	1
Construction and Ength earing	=	2	3,7	=	5	106,8	=	5	8 08	;	;	:
Legal Proceedings	\$ 37	\$	30,629	5	8	32,29	5	8	ž	:	**	3
Subject Communication of the C	1,470	1,404	137,216	1.470	78	146,043	1,470	786.	146,043	Ξ	:	3
Program Direction: Management and Administration	8	8	67,566	3	8	90,781	3	8	190,761	ŧ	:	ŧ
Total	11,646 11,484 977,827	1484	128'118	11,884	1.288	11,664 11,288 1,007,292	11,584 11,288 1,007,292	11,286	202,700,	:	1	1

Immigration and Naturalization Service Salative and expenses Summary of Resources by Program

							1963	1983 Appropriation	in thou									
•	1992	1992 As Enacted	cled		1992 Actual	-	_	Appopulation	•	8	994 Beseine			1994 Extimete	2	Incre	ee/Decre	2
	Perm.			Perm			Perm.			Perm			Perm.			Perm		
Estimates by Program	É	≩	Amount	8	≩	Amount	Ž	¥	Amount	8	¥	Amount	Š	¥.	Amount	ž	¥	Amount
Enforcement:																		
knepections	1,00,1	-46		1,00			9	2 .	106,163	8	38,	\$66,449	1,065	8	896,460	5	8	50.03
Border Patrol	3	3	326,234	4.9			28.4	4,571	361,659	589,	4,571	360,030	4,770	5.7	352,901	3	8	-7,128
Investigations	1,972	5		1,972			- 85	1,830	139,509	3	8	145.975	3	1,75	147,906	:	8	2
Detention and Deportation	1.510	8		1.519			1.400	1.476	161,636	1.406	1.476	170.518	1.680	28	179.229	23	=	8.71
Intelligence	3	8		2		5.067	8	3	5,445	8	37	5.526	3	8	5,411	7	7	-115
Subtokel	ı	9,441		9,511	_		9.269	9,280	783,183	9,266	9,133	770,496	235 '8	9,216	781,906	ž	3	11,408
Immigration Support:																		
Trathing	R	8	15,043	2	\$	15,678	F	2	8,286	E	2	8,461	2	=	6,311	-5	ç	3
Date and Communications Systems	ş	2	200	5	3	42,680	\$	157	48,742	2	5	55.53	ē	5	52,520	î	?	-1.011
Information and Records Mgmt	2	8	51,037	285	98	50,565	22	\$	41,430	35	2	43,250	742	2	42,148	- 10	9	= -
Research and Development	•	•		4	•	271	•	•	287	:	:	:	÷	:	:	:	:	ŧ
Construction and Engineering	Ξ	5		=	9	22,244	*	2	1.33	=	2	100	=	2	8,386	:	:	-15
Legal Proceedings.	ş	Ş		3	£	30,641	437	\$	626 C	437	8	22,29	41	8	34,369	Ç	8	2,078
Subtotal	9	96.	160,035	 8	76	162,079	£.	<u>.</u>	137, 15	1,470	-36. -	146,043	- 480	28.	145,734	2	7	900
Program Direction: Management and Administration	198	788	86,938	88	8	97,460	8	8	67,559	£	8	90,751	3	8	90,412	:	:	-338
Total 11,869	11,869	11,922 964,741	147,141	11,860	11,665 961,279	961,279	11,508	11,484	126,118	11,584	11,298 1,007,292	007,292	11,867	11,380 1,018,062	.018,062	200	8	10,780
Reimbursable Workyears	_	5.833 17,855			0.220 0.023		-	4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5			18,078			18,438				
Other Workyears: Holiday		2,306			2,508			2,506			2,506			2,506			:	
Overtime:								. 1			. :						;	
AUO		8 9			8 9			2			2			3			2 2	
Total corroensable workvears.	N	2315			13		~	188		~	261			2			13	

Immigration and Naturalisation Service Salaries and expenses Justification of Program and Performance Activity Resource Summary (Dollars in Thousands)

Activity: Enforcement

	1993	Appropr	iation		;	;	;				•	
	٩	of icipat	2		1994 Baseline	eline	75	1994 Estimat	mate	Incre	ď/***	BCKGABO
	Perm.			Verm.			Perm.			Derm.		
	Poli	덬	Amount	Poe	걸	Amount	Post	뉰	Amount	Post	보	POS. MX AMOUNT
Inspections	930		\$84,904	930	1,349	\$88,449	1,065	1,399	\$96.460	135	50	\$8.011
Border Patrol	4,863	•	361,659	4,863	4,571	360,030	4,770	4,479	352,901	-93	-92	-7,129
Investigations	1,949	1,830	139,809	1,949	1,680	145,975	1,949	1,715	147,905	:	38	1,930
Deportation	1,466	1,476	161,636	1,466	1,476	170,518	1,689	1.567	179.229	223	91	8.711
Intelligence	ទ	7	5.445	3	12	5.526	29	99	5.411	7	1	-115
Total	9,268	9,280	783,153	9,268	9,133	770,498	9,532	9,216	781,906	264	3	11,408

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. This activity includes inspecting applicants for admission, patrolling the boxder, locating undecumented aliens who are in the United States following illegal entry or are in violation of their status after legal entry, detaining and deporting illegal silens, and enforcing the employer sanctions provisions of the immigration Reform and Control Act of 1886. In addition, it provides a capacity to scientifically examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to emuggled allens.

	192	1993 Appropriation	intion	7	24 846	aline		PA BREA		Ingre	7d/ean	GKBABB
	Por	껉	POEL MX AMOUNT	102	걸	Pos. MX Amount		걸	Pos. MX Amount	Pos. WX Amount	덬	Arount
Inspections 930 1,346 \$84,904 930 1,346 \$88,449 1,065 1,399 \$95,460 135 50 \$8,011	. 930	1,346	\$84,904	930	1,346	\$88,449	1,065	1,399	196,460	135	9	\$8,011
LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National Interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.	onsistend dmission	that the with to thou	the Nation	applical int	cante i erest,	for admiss facilita	ion inte	o the U	nited Stati of qualifi	es is co	icant	lled in

MAJOR OBJECTIVE: Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States.

Prevent the entry of inadmissible applicants through ports-of-entry. Facilitate the entry of qualified persons through ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

Adjudicate applications and petitions at ports-of-entry in order to efficiently utilize inspector stand-by time

Establish Land Border Inspection Fee pilot projects.

nationality laws with respection of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadmissibility is based on examination of the application relation. Local and National lookout systems containing information relating to excludable aliens are evailable for use at each port-of-entry. Indemissable aliens are denied entry into the United States. Any orialinal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during periods of stand-by time at most ports-of-entry during non-peak workload hours. Applications for Border adjudicated and issued by inspections personnel.

<u>ACCOMPLIBHERTS AND WORKLOAD</u>: Accomplishments of the Inspections program are presented in the following table

Item	1991	7887	1993	istimate 1994
Persons Inspected: Land Ports-of-Enry. Air and Ses Ports-of-Enry	419,300,400 56,270,056 56,290	436,000,000 59,000,000 650,000	453,000,000 62,000,000 1,950,000	470,000,000 65,000,000 3,575,000
Inadelseible Aliens Intercepted: Land Ports-of-Shrry	802,690 88,305 2,450	810,000 93,700 2,950	818,000 97,000 3,000	850,000 102,000 3,000

Explanation

Over the past two years, the Inspections program has experienced increasing workload levels. Based on consistent increases in traffic, the number of inspections at land border ports in 1993 is projected to be 453 million. In 1992, 810,000 inadmissible aliens were intercepted at land ports-of-entry, representing a rate of approximately two detections per 1,000 inapections, continuing the high level of interceptions noted in recent approximately two detections per 1,000 inapections, continuing the high level of interceptions noted in recent years. Improvements in mathodology and techniques of detecting fraudulent attempts to enter into the United States are ongoing. Operational innovations leading to improvements in both border enforcement and facilitation of international travel continue to receive priority.

The inspection of parsons at land ports-of-entry is funded from appropriated resources. Public Law 99-500, the Department of Justice 1987 Appropriations Act, as amended by the Department of Justice 1991 Appropriations Act, established an Immigration User Fee Account. This legislation, which provides for the collection of a \$5 user

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fee from each U.S. citizen and alien arriving in the United States from foreign locations by commercial air or sea transportation (which estain exemptions), has allowed the Inspections program to provide more effective sea transports and seaports nationwide. On a continuing basis, INS has been able to expand its inspection services at air and sea ports-of-entry with resources from the Immigration User Fee Account.

The use of Inspections program personnel to do adjudications-related work was addressed in a reprogramming request submitted to the Congress in February 1992, and approved by the Congress in April, 1992, resulting in the transfer of 141 positions to the Immigration Examinations Pee Account. Subsequent to this, Congress added an additional 100 inspectors in INS' 1993 appropriation to be funded by the immigration Examinations Pee Account. The continued resinburesement of the land border inspections program for work done in the adjudication of applications for immigration benefits will increase total resources available for land border port-of-entry operations. The net result of this will be to improve the flow of border traffic.

t The Attorney General was authorized under the Department of Justice 1991 Appropriations Act, P.L. 101-515, establish a pilot project under which a fee may be charged and collected for inspection services provided one or more land border ports of entry.

Increase/Decrease Perm.	135 50 \$8,011
1994 Estimate	Pos. Mx Amount
Perm.	1,065 1,399 \$96,460
1994 Baseline	Pos. MY Amount
Perm.	930 1,349 \$88,449
PROGRAM, CHANGES:	Inspections

The total program enhancement request for the Inspections program for 1994 is 135 positions, 50 workyears and \$8,011,000. This amount includes a request of 163 positions, 81 workyears and \$10,000,000 to enhance the land border inspections process by allowing the operation of additional traffic lanes at border ports-of-entry. This is partially offset by decreases of 28 positions, 28 workyears and \$1,989,000 to meet targeted workyear and resource lavels of the Administration.

Growing traffic delays at the major urban-area border inspection facilities often require the travelling public to wait several hours for inspection. The General Accounting Office, in its November 1991 study on border infrastructure, outlined its ballef that INS was understaffed at the larger facilities along the border and that public delays were the direct consequence of this deficiency.

INS has developed land border resource plans in a effort to achieve two broad goals: the material improvement in the overall quality of the inspectional process, and the full and efficient facilitation of all applicants for admission. To attain these goals, two specific operational objectives have been identified: the reduction in public waiting times by improving staffing to attain a reduction in traffic delays at major border ports to one lour or less; and, enhancing the quality of inspections by increasing the officer time available to complete admission determinations. To develop the resource requirements necessary to support these objectives, the Service utilized a staffing model developed by the Inspections program. The model has identified the need for 163 new positions at the largest port facilities.

Based on current trends, the 163 new positions will be assigned as follows:

Positions 42	20	23	12	91	24	a	163
District San Diego	Phoenix	Detroit	Seattle	Harlingen	San Antonio	El Paso	TOTAL

Approval of the increased staffing will add a significant number of immigration inspectors at major urban-area porta-of-entry and will allow the Service to open an additional 27 of the nationwide 460 vehicle lanes where chronic delays seault in lost commerce and considerable inconvenience to the travelling public. The limited additional resources that were previously approved by congress for the land border have not been adequate to keep pace with traffic growth.

This request includes a decrease of 28 positions, 28 workyears and \$1,989,000. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

Increase/Degreese Perm.	-93 -92 -\$7,129
BATO	A,770 4,479 \$352,901
1994 Ketim	4, 479
Perm.	Pos.
Maria	Amount \$360,030
24 Ban	Poe. HX A
100	Poe.
priation ated	\$361,659
93 Appropriat Anticipated m.	Pos. MX, 863, 4,571
1991	Poe.
	order Patrol

LONG RANCE GOAL: To ensure that the entry of persons into the United States between ports-of-entry is controlled in a manner that is consistent with the National interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

<u>MAJOR OBJECTIVES:</u> Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border. Between ports-of-entry, interdict drug smugglers, potential terrorists and criminals or deter them from attempting illegal entry.

Cause persons seeking admission into the United States to present themselves at designated ports for inspection.

apprehend allens and other illegal entrants at or near the border. The Border Patrol has primary responsibility for drug interdiction between the ports—of-entry. In addition, the Patrol conducts numerous interagency drug tast force operations with other Pederal, State and localitum enforcement agencies through its participation in Operation Alliance along the southern border. To further smalls the Border Patrol in this endmayor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designated authority in their basic training in Glynco, Georgia. Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light leavel to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats and horses. In addition, linewatch traffic check operations are conducted along major routes of travel to restrict annexament traffic check operations are conducted along major routes of travel to restrict annexament.

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ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Atom	1991	1992	1993	1994
Deportable Aliens Apprehended 11	1,132,933	1,199,587	1,154,000	1,074,000
Smuggled Aliens Apprehended	64,170	69,538	10,000	92,000
Smugglers Apprehended	18,826	17,237	16,000	15,000
Number of Selzed Conveyances	14,693	17,113	17,000	16,000
Number of Drug Seigures	5,028	5,948	6,000	6,000
Value of Drug Setrures (\$000)	\$950,397	\$1,216,834	\$1,157,000	\$1,077,000
Number of Criminal Aliens Apprehended	28,763	29, 119	30,000	28,000

The number of deportable aliens apprehended includes both the count of smuggled aliens and smugglers apprehended. In 1991 the Border Patrol apprehended 1,132,933 illegal aliens along the United States border. This number represented a 2.7 percent increase in apprehensions with 29,778 above the previous years arrests. The number of arrests in 1992 were again on the rise with a 5.9 percent increase. The number of apprehensions have now exceeded the one million level for the fourth consecutive year. In addition, the number of criminal alien apprehensions has increased from 18,500 in 1989 to 28,763 in 1991. The level of criminal alien apprehensions the increased is estimated to decrease by about 4 percent in 1992 with 29,119 for the year. The level of total apprehensions is estimated to decrease by the increased use of fencing, lighting and other auvelilance equipment. The improved border barriers and detection equipment have effectively channeled the illegal traffic into more controlled areas where the Patrol can concentrate its agent workforce. The overall enhanced deterrence is evidenced by the san Diego Sector's decline in apprehensions by 20.6 percent in the first quarter of 1993, with 83,831 apprehensions compared to 105,594 in 1992.

In order to meet the lower workyear levels proposed for 1994, the Patrol has begun a phase down, through attrition, of the number of agents on duty in 1993 and 1994. The reduction of 157 workyears by 1994 will decrease the overall apprehension capabilities of the Border Patrol, however, the Patrol's funded workyear level

will support approximately the same level as in 1992. There are increasing pressures along the border caused by unemployed and underemployed populations in Mexico and other third world countries. The Border Patrol will counter the heightened horder pressures with adjustments to border control strategies and operations such as those being used in the san Diego area.

The Border Patrol continues to be a key element in the effort to stop the flow of illegal drugs into the United States. In 1992, the Mational Drug Control Strategy called for increased interdiction efforts along our southern border, to raise the trafficker's cost of doing business and to disrupt, diamentle and destroy trafficking organizations. In this regard, the Office of Mational Drug Control Policy has provided additional funding in 1992 and 1993 for Border Patrol traffic check operations on the southwest border for interdictional drug and alien saugglers along the border. In 1992, the Patrol intercepted nearly 700,000 pounds of marijuans for a 132 percent increase over the previous years seizures. In addition, the Border Patrol seized nearly double the amount of cocains in 1992, as compared to 1991, with over 38,000 pounds seized. Based on the interception of several large drug smuggling loads by the Patrol in the first few months of this year, there are no indications of an abatement in crug movements across the border in 1993. The Patrol remains committed to its designation as the primary drug interdiction force between the ports of entry on the southern land border. It will counter the effects of decreased staffing through the use of operational task forces directed at border routes with high sauggling activity.

GRAH CHANGER:	Perm.		PATE	Pera	24 ERE.		Logic	47	IGKEREE	
der Patrol	4, 863 4,	37. 57.	1,863 4,571 360,030 4	300	ĦĊ,	4,770 4,479 \$352,901	a-	¥2	-93 -92 -57,129	

This request includes a decrease of 93 positions, 92 workyears and 87,129,000 to meet targeted workyear and resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

	1993	Approp	1993 Appropriation Anticipated		24 BAR	1994 Baseline	1	24 Ret.	PARC	Incres	8 /84	CKRARA
	Poe	Ħ	Amount		봌	Pos. MX Amount	ą	Ħ	Pos. MX Assunt	102	보	PORT MX BROWDE
tions 1,949 1,830	1,949	1,830	\$139,509 1,949 1,680 \$145,975 1,949 1,715	1,949	1,680	\$145,975	1,949	1,715	\$147,905 35 \$1,930	:	38	81,930

LONG-RANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

MAJOR OBJECTIVES: Investigate and aprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorise, alien emuggling, and other serious or violent criminal activities.

: 4

employment of illegal aliens through a random audit of employers; and identify, issue fines to, employers who violate Section 101 of the Immigration Reform and Control Act (IRCA) of 1986 by aliens not authorized to work in the United States. Deter the prosecute thiring of a Prosecute and deter arrangers, facilitators and smugglers who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Prosecute aliens who illegally apply for and collect benefits from government entitlement programs, prevent the filing of fraudulent claims, and support civil proceedings to recover benefits illegally obtained.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings, develop grounds for denial of petitions and applications, and obtain government evidence for administrative proceedings.

BASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Hany of the cases investigated involve violators associated with large-scale, highly organizations criminal conspirations. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons traffiching and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization.

Another major area of investigations activities involves employers who knowingly hire illegal aliens, and individual aliens who entered the United States illegally to find employment. Administrative investigations are also accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and evidence of civil and business records. Investigations often require the service of subpoens and earch warrants to obtain evidence or to gain access to employment sites where illegal aliens are working. In addition, this program is responsible for the management of the Service's assets forfeiture activities.

H E IRCA requires expeditious deportation proceedings against any alien convicted of an offense which renders or her deportable. In response to Section 510 of the Immigration Act of 1990, during FY 1992, staff at the Department of Justice conducted a survey of Federal and State correctional systems and submitted a report of its findings to the Senate and House Judiciary Committees. The survey reflected that over 57,000 foreign born nationals were currently incarcerated, based on felony convictions, in the Nation's penitentiary system. Most of this population represents aliens, largely unknown to INS, whose crimes make them eligible for deportation.

The Investigations program is working in close coordination with the Executive Office of Immigration Review to expand the Federal Institutional Hearing Program (IHP), so that incarcerated alien felons can be processed for deportation during the period of incarceration. Upon the completion of sentence, the alien can then be immediately removed from the United States without coming into INS custody for detention, and without the attendant delay for a administrative hearing.

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Section 507 of the Immigration Act of 1990 requires the fifty states to submit plans for furnishing INS, free of cost, certified records of contaction for criminal aliens (in whom INS has expressed an interest) in response to a request by INS. The states have responded positively to this requirement of law. Investigations staff can readily obtain, expeditiously and systematically, certified records of those incarcarated aliens being processed for accelerated institutional hearings. The ready availability of records of conviction, without cost to INS, removes a major obstacle to processing convicted aliens for deportation, and facilitates the administrative hearing process. Aided by the provisions of sections 507 and 510 of the immigration Act of 1990, the Investigations program can systematically prepare and feed cases into the Deportation Hearing process.

The previous Attorney General initiated an effort that targets violent gangs in 36 U.S. cities. This effort focuses on violent criminal alien gangs in designated cities where INS special agents, frequently in coordination with other law enforcement officials, seek to identify, apprehend, convict and remove from the United States alien members of these criminal groups. The Investigations program will continue its commitment to the Organized Crime Drug Enforcement Task Force and who with other Federal, State, and local law enforcement agencies to remove serious criminal offenders from the community.

The principal goal of the Fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized allens by IMs. In an effort to accomplish this goal, IMS is aggressively targeting completed outhorized allens by IMS. In the dismancing of one of criminal procedution. One investigation recently completed by IMS resulted in the dismancing of one of this investigation, the IMS select 50,000 fraudulent documents valued at over \$7 million, two printing presses, this investigation, the IMS select 250,000 fraudulent documents valued at over \$7 million, two printing presses, counterfelt document sanufacturers and vendors, the 1990 anactment of Section 244A of the Act, Temporary Protected Status efforts to include this axpanding arens of fraudulent immigration activity. Of particular connexes is the efforts to include this axpanding arens of fraudulent is anticipated that 10 boats will be select in the anacyling problem of Chinese alian sauggling investigations are complex, expensive, and international and numerous sauggling these and international travel, appendixed equipment needs, large numbers of semaggling suspects, supersive, and international travel, appendixed equipment needs, large numbers of samuggling suspects, and high witness and prosecution costs.

During a six month enhanced enforcement initiative, investigations enforcement activities were directed to lead-driven investigations, while the program continued to conduct a sufficient number of random inspections to gauge the national compliance rate. This initiative resulted in a decrease in the number of cases completed due to the increased complexity of lead-driven investigations which require more time to complete. However, there has been an increase in the number of Notices of Intent to fine issued, including fler 2 and fler 3 fines for subsequent violations. As the enforcement efforts continue, it is anticipated that the number of fler 2 and 3 fines and 11 likewise continue to increase.

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ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Investigations program are presented in the following table:

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				Mattante
Item	1991	1992	1993	1994
Criminal Organizations*	G	ā	ç	•
Defendants Prosected	123	182	250	250
Cases completed per workyear	3.4	2.1	1.0	1.0
Deportable Allens Apprehended				
Criminal Aliens	35,975	36,625	41,600	47,000
Smuggled Allens	9,463	8,607	8,600	8,600
Other	28,884	24,048	24,000	24,000
Employer Sanctions		•		
Lead Investigations	5,355	5,275	4,800	006 ' *
General Administrative Plan Inspections	1,980	1,704	2,500	2,500
Notice of Intent to Fine	1,270	1,461	1,200	1.200
Lead Investigations per workvear	28.8	25.8	25.8	25.8
General Administrative Plan Inspections				
per workyear	77.5	75.0	75.0	75.0
pnd				
1. Organizations/Pacilitators				
Cases Completed	1,027	1,000	004	420
Defendants Prosecuted	438	337	160	168
Cases Completed per workyear	9.9	7.2	6.0	6.9
2. Individuals				
Cases Completed	3,017	1,325	928	928
Defendants Prosecuted	151	95	26	56
Cases Completed per workyear	50.1	51.6	51.6	51.6
Smugaling				
Cases Completed	2,771	2,073	2,000	2,000
Defendants Prosecuted	2,001	1,802	1,600	1,600
Cases Completed per workyear	12.5	11.2	11.2	11.2

*Includes workload related to Violent Gang Task Forces beginning in 1992. **Decrease in Fraud workload is related to the shift of resources to Violent Gang Task Forces.

The focus of the Investigations program reflects three basic enforcement priorities of the Immigration and Naturalization Service: enforcement of employer sanctions, removal of criminal aliens, and detection and deterrence of fraud and sauggling.

PROGRAM CHANGER:	199	4 Bags	94 Baseline	7661	1994 Katimate		Increase/Deck	47	CKEASE
	20	Ħ	POR MX AMOUNT	Poe	益	Pos. MX Amount	Pos. MX Amount	걸	Amount
Investigations	1,949	1,680	1,949 1,680 \$145,975 1,949 1,715 \$147,905	1,949	1,715	\$147,905	:	35	35 \$1,930

Application of the

The total program enhancement request for the Investigations program for 1994 is 35 workyears and \$1,930,000. This amount includes a request of 35 workyears and \$2,243,000 to increase the INS response to the criminal alien problem, specifically to improve attention to the timely removal of incremented criminal aliens. This is partially offset by a decrease of \$413,000 to meet targeted resource levels of the Administration.

The Investigations program, in cooperation with the Executive Office of Immigration Review (EDIR), plans to expand the Institutional Hearing Program (IRF) at 3 Pederal Cellities (Lamington, XI) Lewenworth, KS; and Big Spring, TX). Plans are being developed that provide for a new IMP at Dublin Federal Correctional Institute, California (formerly Pleasanton), and the doubling of the IMP at La Tuna, Texas. These new programs will, require additional resources at or near some of these facilities. Also, the effectiveness and efficiency of extenting identification, processing, and removal procedures in the five states having the largest foreign born populations in State institutions—California, New York, Florida, Texas, and Illinois is being evaluated. The goal of this project is to identify what staps need to be taken to improve the overall process of identification and deportation of criminal aliens incarcerated in these State institutions. The primary emphasis will be on better resource deployments and improved cooperation with State agencies.

The dedication of 35 workyears to this program will allow expansion of the program in the 5 states with the greatest population of incarcerated aliens, including servicing a major new facility in California. This approach also insures the planned expansion of IMPs to additional Federal facilities. Mearly 5,000 additional criminal aliens can be deported annually with this resource increase.

This request also includes a decrease of \$413,000. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

-/Degreese	MX Amount
Increase Perm.	Zoe.
inate	Amount
. 994 BRE	Ħ
Perm.	Pos.
661106	ARCHUE
24 BA	Ħ
	Poe. HX
riation ited	Amount
993 Appropriat. Anticipated m.	Ħ
1993 Perm.	Poe. HX

\$8,711

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Deportation..... 1,466 1,476 \$161,636 1,466 1,476 \$170,518 1,689 1,567 \$179,229 223

Detention and

LONG-RANGE CORE: To detain, until ready for removal, aliens subject to exclusion and deportation proceedings who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

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HAJOR OBJECTIVES: Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible.

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Ensure that adequate alien detention capability is available by staffing and maintaining nine Service Processing Centers (SPCs), and detaining aliens when necessary in non-INS facilities which meet INS standards.

Allow other enforcement programs to operate effectively by quickly removing detained aliens.

BASE PROGRAM DESCRIPTION: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, explaion, removal, parole and deportation of alians. Service and non-Service (contract) facilities are used to detain, until ready for removal, those alians subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent adapage to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alian is efficiently and correctly processed and, if necessary, the alian's removal from the country is effected promptly.

<u>ACCONPLISHMENTS AND MORKLOAD!</u> Accomplishments of the Datention and Deportation program are presented in the following table:

Detention: Aliens detained (Total) 1991 1992 1993 1994 1993	interest filtrestor			•	4400
87,169 82,326 87,534 50,706 46,539 43,600 35,706 35,739 43,600 2,207,794 2,169,604 1,663,158 1,287,985 1,095,275 828,403 25,33 1,095,275 828,403 31,9,399 1,112,281 1,027,068 1,9,399 35,509 30,593 17,402 25,389 2,987 2,597 2,570 124 6,142 5,602 6,204 6,142 5,602 6,8 320 61	Item	1881	1992		1994
87,169 82,326 87,534 50,706 46,589 43,934 35,771 46,336 2,207,794 2,169,604 1,663,158 1,287,985 1,097,329 834,755 1,287,985 1,095,275 828,403 2,387 1,027,068 1,97,379 1,014,655 1,112,281 1,027,068 1,060,729 984,650	Detentions				
20,706 46,589 43,934 2,207,794 2,169,600 1,49,600 2,207,794 2,169,604 1,663,188 1,79,809 1,074,329 828,403 25.3 1,095,275 828,403 25.3 1,095,275 828,403 1,014,655 1,112,281 1,027,068 1,9,99 1,060,729 984,650 1,20,593 37,402 25,369 2,987 2,670 2,987 5,997 2,670 1,24 6,142 5,602 1,4 6,142 5,602 1,5 8 320 6,148	Aliens detained (Total)	87,169	82,326	87.534	103,691
2,207,794 2,135,737 43,600 2,207,794 2,169,604 1,663,158 1, 9,19,009 1,074,329 834,755 1,287,329 834,755 1,095,275 828,403 1,095,275 828,403 1,001,4,655 1,112,281 1,027,068 1,14,379 1,475 1,060,729 984,650 1,060,729 1,060,72	ING FECALSTIES.	50,706	46,589	43,934	50,383
2,207,794 2,169,604 1,663,158 1, 919,809 1,074,329 834,755 1,287,985 1,095,275 828,403 25.3 26.3 1,112,281 1,027,068 1, 9,399 1,676 1,060,729 984,650 1, 0,593 37,402 25,369 2,987 5,997 25,369 124 7.54 8.54 6,204 6,142 5,602 68 320 61	Non-Service Pacilities	36,463	35,737	43,600	53,308
919,809 1,074,329 834,755 1,287,985 1,095,275 828,403 25.3 1,095,275 828,403 1, 9,395 1,112,281 1,027,068 1,91,676 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 974,650 1,060,729 1,06	Number of detention days	2,207,794	2, 169, 604	1,663,158	1,928,659
1,287,985 1,095,275 828,403 25.3 26.3 19 26.3 1,112,281 1,027,068 1, 1,014,655 1,112,281 1,027,068 1, 1,37,997 1,479 1,4	INS Facilities	919,809	1,074,329	834,755	937,130
25.3 26.3 19 1,014,655 1,112,281 1,027,068 1, 9,399 8,153 14,379 10,593 37,402 25,369 2,987 5,997 25,369 1,06 964 6,142 5,602 6,204 6,142 5,602 68 320 61	Non-Sarvice Facilities	1,287,985	1,095,275	828,403	991,529
1, 1,014,655 1,112,281 1,027,068 1, 9,399 8,153 14,379 14,379 15,379 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 1,060,	Average stay in detention (days)	25.3	26.3	19	18.6
1, 014,655 1, 112,281 1, 027,068 1, 9,339 88,153 14,379 1, 139 1, 139 1, 139 1, 139 1, 139 1, 14,379 1, 14	Expulsions				
ntrol 97,399 6,153 14,379 1,000,729 984,650 1,000,729 984,650 1,000,729 25,369 2,597 2,670 964 124 8,54 8,54 8,54 8,54 8,54 8,54 8,54 8,5	Allens expelled	1.014.655	1.112.281	1.027.068	1.053.155
nerol 971,676 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 984,650 1,060,729 924,997 2,670 1,060,729	Voluntary departures under docket control	9,399	8,153	14.379	14.744
30,593 37,402 25,369 2,987 5,997 2,670 968 928 968 128 7.58 8.58 6,204 6,142 5,602 8,76 34,099 35,014 6,88 320 61	Voluntary departures not under docket control	971,676	1,060,729	984,650	1,009,660
2,987 5,997 2,670 968 928 968 128 7.58 8.58 6,204 6,142 5,602 38,776 34,099 35,014 68 320 614	Deportations effected	30,593	37.402	25,369	26.013
964 924 964 124 7.54 8.54 6,204 6,142 5,602 38,75 34,099 35,014 68 320 61	Exclusions offected	2,987	5,997	2,670	2,738
968 928 968 128 7.58 8.58 6,204 6,142 5,602 38,776 34,099 35,014 68 320 61	Deportable aliens located, percentage	•		•	
12% 7.5% 8.5% 6,204 6,142 5,602 38,776 34,099 35,014 68 320 61	expelled	196	921	196	196
6,204 6,142 5,602 38,776 34,099 35,014 68 320 61	Expelled allens, percentage detained	124	7.51	8.51	12.84
6,204 6,142 5,602 38,776 34,099 35,014 68 320 61	Recognizance, Bond and Supervision:				
38,776 34,099 35,014 68 320 61	Aliens released on recognizance	6,204	6,142	5,602	8,614
68 320 61	Aliens placed on bond	38,776	34,099	35,014	53,839
	Allens placed under supervision	89	320	61	76

Note: Between 1992 and 1994 the average stay in detention is expected to decrease from 26.3 days to 18.6 days. An additional 375 spaces will come on-line at the Florence and El Centro facilities during 1994.

The Detention program accomplished its mission during 1992 through the operation of nine Service Processing Centers (SPC's): Boston, Varick Street, Aguadilla, Krome, Port Isabel, El Paso, El Centro, Plorence and San Pedro. As a result of an expansion program, the combined capacity of these nine facilities is now 2,864 beds. INS utilized four private contract detention facilities, located in DenVer, Laredo, Houston, and Seattle. These facilities provided an additional 567 bed spaces for INS. A standard statement of work for contract facilities over 900 State and local prisons and jails for bed space to detain aliens. In 1992, 1,095,275 detention days were provided through non-Service sources.

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AM CHANGES:	1994	BARE	line	199	L Zetin		Incre	d/010	Increase/Decrease	
	a	젉	POR. MX AMOUNT	Po	뇈	Poe. MX Amount	Poe	Ħ	Amount	
tion and Deportation	1,466 1	,476	\$170,518	1,689	1,567	1,466 1,476 \$170,518 1,689 1,567 \$179,229 223 91 \$8,711	223	16	\$8,711	

PROGRA

The total program enhancement request for the Detention and Deportation program for 1994 is for 223 positions, 91 workyears and \$81,711,000. This amount includes a request for 254 positions, 122 workyears and \$11,000,000 expension of the Toresade statement and detention funding associated with the scheduled expansion of the Florence and El Centro Service Processing Centerios (SPC's). This is partially offset by decreases of 31 positions, 31 workyears and \$2,289,000 to meet targeted workyear and resource levels mandated by the Administration. The details of the program enhancement are as follows:

Staffing increases of 254 positions, 122 workyears and \$8,747,400 are requested.

The Florence and El Centro Service Processing Centers (SPC's) are currently being expanded by 375 bedspaces. These additional 375 bedspaces will be operational for 9 months of PY 1994. Of the 254 positions, 111 positions, 83 FTE's and \$5,951,100 will be utilized at these two facilities. The remaining 39 FTE's and \$2,796,300 will be utilized at the other SPC's.

In January of 1991, the General Accounting Office reported to the Congress that inadequate levels of staffing have caused serious problems at several INS facilities. Proper and adequate INS staffing with supervisory personnel, detention officers, deportation officers, decreas, medical personnel, maintenance workers, mechanics, and transportation officers is required at all SPC's. Within each SPC there are key post postions which must be covered on a 24-hour basis, seven days a week to provide adequate detantion capability. Not all the SPC's are designed the same, so some facilities may require more posts to provide coverage even though the rated capacity is lower.

A current assessment of detention and deportation (DED) operations reflects a substantial lack of personnel to meet expected enforcement needs. To achieve the critical objectives of fully supporting a meaningful the necessary personnel to proper utilization over existing and new bedapter, the DED program must have the necessary personnel to carry out its statutory obligation to detain and remove deportable aliens. Without additional personnel, it will not be possible to maintain the correct balance between the apprehension and removal staps of the enforcement process.

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Experience has clearly demonstrated that the majority of allens who are released from custody on bond or recognizance are not expelled, despite their ineligibility for relief, because they abscond. Apprehending and then releasing an illegal allen who is likely to abscond because of inadequate detention and deportation personnel, only serves to encourage illegal entry and wastes Government resources used to apprehend and detain them in the first place.

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With the incresse in positions, INS will progress towards the implementation of BOP recommended staffing levels, improve the safety of its facilities and reduce the likelihood of possible incidents.

Alien Travel, Detention and Melfare (ATDEM) Increases
The \$2,252,600 in non-personnel related enhancements will provide ATDEM resources to support the 375
bedepaces coming on-line at Florence and El Centro during 1994.

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The ATDEM request provides for the following items: detention and transportation, private and public hospitalization, laundry, and food contracts. A critical component of this request is funding for transportation, since inability to remove aliens for lack of transportation funds increases the length of detention. With efficiencies such as criminal alien centralization and the holding of more deportation and exclusion proceedings at Federal State and local prison facilities before sentence completion, INS seeks to reduce the average length of detention time.

ŏ This request also includes a decrease of 31 positions, 31 workyears and \$2,289,000. A detailed description this decrease is provided in the Justification of Multi-Activity Program Changes chart.

	199	1993 Appropriat	Ton									
	1	ntici		199	4 Bas		1994	Botin	ate	Incress	Sed/a	10000
	Perm.			Perm.			Perm.			Perm.		
	Pos.	걸	Pos. Mx Amount	Pos.	X	POR. WX Amount	Pos.	걸	Pos. MX Amount	POS. MY Amount	Z Z	mount
Intelligence 60 57 \$5,445 60 57 \$5,526 59 56 \$5,411 -1 -\$115	09	57	\$5,445	9	57	\$5,526	59	26	\$5,411	7	7	-\$115
LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis	o develo	op en	international	immigr	ation	intelligen	ce capab	ilitey	for the co	11ection,	6	lysis

LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

<u>MAJOR OBJECTIVES:</u> Provide the tactical/operational intelligence assistance and support needed by the Chief Patrol Agents, District Directors, and field units to accomplish their mission.

Provido strategic intelligence assessments to INS management that have long term importance/relevance to mission of the agency in terms of operations, planning and policy.

national Maintain liaison with appropriate United States and foreign government agencies on immigration and security matters including the movement of known or suspected international terrorists. Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

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Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990.

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BASE PROGRAM DESCRIPTION: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Mationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and naroctice traffickers, and detecting fraudulent documents, alien sanggling, false claims to otitsenship and other frauds.

<u>ACCOMPLISHMENTS AND HORKLOAD</u>: Accomplishments of the Intelligence program are presented in the following table:

Cases received for examination of fradulent decuments at the PDL1	2,300 <u>8</u> /	7777
1,871 1,956 20,545 21,304 20,054 8,436 10,491 12,087 21,053 18,410 9,736 9,736	2,300 8/	
1,871 1,956 1,871 1,917 2, 20,545 21,304 10,691 12,087 21,053 18,410 1,315 7,707	2,300 L /	
1,871 1,917 20,545 21,304 10,054 8,436 8,436 10,491 12,087 21,087 13,437 7,707		2,300
1,871 1,917 20,345 21,304 10,054 8,436 10,491 12,087 21,053 18,410 9,736 8,908		•
20,545 21,304 10,054 8,436 10,491 12,087 21,053 18,410 9,736 8,908	2,250	2,250
10,054 8,436 10,491 12,087 21,053 18,410 9,736 8,908	20.800	20.800
10,491 12,087 21,053 18,410 9,736 8,908	000	000
10,491 12,087 21,053 18,410 9,736 8,908	008	00
21,053 18,410 9,736 8,908	12,000	12,000
9,736 8,908	20,000	20,000
11, 117	000	000
	10,000	10,000
1,795	2,000	2,000
15,415	000	9
2,778	980	980
Published intelligence products 7/ 101 101	136	136

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Includes casework completed for Adjudications.
Includes lookout cases received, beginning with 1992.
Includes lookout cases received, beginning with 1992.
Includes lookout records created on lookout requests (e.g., one lookout request may result in data input of several records.
Entry of lookout records was new function for EPIC in 1992.
Betty of lookout records was new function for EPIC in 1992.
Decline in IRS databases inquiries due in part to termination of legalization referral program and in part to retainsignment of responsibility for analysis Section and the Porenic Decument Laboratory includes the monthly intelligence aummery, officer safety bullatins, executive briefs, document intelligence the monthly intelligence aummery, officer safety bullatins.
Forensic cases are growing in size and complexity, requiring greater amounts of time to complete. 77 걸

PROGRAM CHANGES:	1994	Baseline	67	94 Ketim	ate	Incre	NEE/Decr	18.69
Intelligence	Perm. Pos.	Perm. Perm. Perm. Perm. Perm. Portm. Perm. Portm. Portm. MX Amount FOS. MX Amount MX Amount FOS. 411 -1 -5115 60 55.411 -1 -5115	Perm.	¥28°	Amount \$5,411	Perm.	HX Ams	unt 1115
This request includes a decrease of one position, one workway and \$115,000 to meet targeted workway and	ition.	one workvear	and \$115	5.000 to	meet ter	geted v	orkvear	pu

This request includes A decrease of one position, one workyear and \$115,000 to meet targeted workyear and resource levels of the Administration. A detailed description of this decrease is provided in the Justificatio of Multi-Activity Program Changes chart.

Activity: Immigration Support

	1993	Appropi	ciation									
	7	ticipat	56	3	94 Bas	eline	7	94 Est	BALO	Incr	170000	PCKERSE
	Perm.			Perm.			Perm			Pera		
•	Port	¥	Pos. WX Amount	Pos.	Pos. MX	E. HY Amount Pos. MX Amount	Pos.	걸	Amount	Pos	Ħ	Pos. MX Amount
Training.	11	73	\$8,286	11	17 73	\$8,461 75	75	11	\$8,311	7	?	-2 -2 -\$150
	168	157	48,742		184 173	53,531 181	181	170	52,520	?	ñ	-3 -3 -\$1,011
Records Management 770	770	748	41,430	758	758 736	43,259 742	742	720	42,148 -16 -16 -\$1,111	-16	-16	-\$1,111
Menters a Develop-	•	*	597	:	:	:	:		÷	:	:	:
Engineering 14 13 7,331 Legil Proceedings 437 402 30.822 Total1,470 1,404 137,215	7 H2	1,400,1	7,331 30,829 137,215	14 13 437 369 1,470 1,364	1362 1,364	8,501 14 13 32,291 477 389 146,043 1,489 1,363	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	13 289 1,363	8,386 34,369 145,734	:40 :40 :40 :40 :40 :40 :40 :40 :40 :40	:87	2,078 -309

This activity includes the resources for construction, communications, records management, automated data processing, training of personnel, research and development activities, legal support, and the alien documentation program (ADIT).

SCKERE	-2 -2 -\$150
0/030	걸
Increase/Decreas	Pos.
inate	Amount \$8,311
4 Bet	¥1.
Perm.	75 71 S
eline	Amount \$8,461
24 Ba	以内
Perm.	Pos. WX AV
ted	Amount \$8,286
Approp	35
Perm.	. Pos. MX
	guiuje

LONG-RANGE GOM: To establish and maintain an employee development system that meets the needs of managers, officers, and other employees as they progress in their careers, and that complies with regulatory requirements.

NAJOR OBJECTIVES: Provide basic training for all new officers and advanced and technical training for journeyman officers, and periodically update curricula for the basic and advanced training programs.

Provide a mandatory training program for INS supervisors, managers, management officials and executives, and

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provide progressive technical and specialized training for professional, technical, and clerical personnel who support agency operations.

A Part of the

necessary to maintain an employee development program that meats the diverse training needs of the IMS workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-fervice training at the Pederal Law Enforcement Training Center (FLETC) at 01ynco, deorgia (basic officer training) and at Artesia, New Mexico (journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using Service and non-Service resources.

ACCONTINENTIA AND MORIZOND: Accomplishments of the Training program are presented in the following table:

			- 1	Retieate
Itan	1881	1992	1993	7777
Workload Production/Training Starts:				
Border Patrol Basio	196	672	576	S S
Immigration Officer Basic	876	744	1,056	2
Detention Officer Basic	140	120	120	120
Other than Permanent Besic	:	9	009	97
Completions:1/				
Border Patrol Basic	147	192	169	41
Immigration Officer Basic	478	639	929	999
Detention Officer Basic	124	113	106	106
Other than Persanent Basic	•	42	528	124
Journeyman Officer Training	687	720	728	728
Advanced Program	541	756	756	756
Leadership Program	48	200	200	9
Information Officers	72	72	:	:
Docket Clerks	56	7	=	22
In-Service	:	:	•	•
Other Training 2/	15,524	8,364	6,600	3,000

Reflects current attrition rates.

Beginning in 1991, other training includes training provided by other offices with or without Training Division assistance (specialty training); professional, technical, and olstical training provided through other Government or non-Government sources; and training efforts such as the IMMACT 90 courses provided to more than 10,000 Bervice officer corps employees in 1991, and 2,700 in 1992. નેત્રે

PROGRAM CHANGES:	1994	Basel	Ane	199	4 BOCL	mate	Inck	17000	SCLOSER
	Perm.	Ħ	Amount	Perm. Pos.	Ħ	Perm. Perm. Perm. Perm. Perm. Ros. MX Amount Ros. MX Amount	Por	¥	Amount
Training	11	7.3	\$8,461	75	1,	77 73 \$8,461 75 71 \$8,311 -2 -2 -\$150	7	7	-\$150
14 CONTRACTOR OF THE PROPERTY	-	1	0319	4 000	400		7	7	

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This request includes a decrease of 2 positions, 2 workyears and \$150,000 to meet targeted workyear and resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

CKEARE	Pos. WX Amount	\$1,011
Id/aa	Ħ	
Incre	Por	7
Imate	Poe. MX Amount	\$52,520 -3 -3 -\$1,011
PA BOE	Ħ	170
18	POE.	181
eline	Por. Mx Amount	\$48,742 184 173 \$53,531 181
24 844	Ħ	173
8	Pos.	184
riation	WX Amount	\$48,742
Approp		157
1993	Poet.	168
		nd Communica-

LONG-BANGE COLL: To establish, improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems; provide pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; provide and issue alien identification documents (ID) and provide an automated ID verification systems; provide radio and electronics equipment and systems required by INS to support its law enforcement functions; promote the sharing of information with other Pederal agencies to reduce the paperwork burden, to both the public and INS; and provide technological guidance in support of all INS operations.

MAJOR OBJECTIVE:
Implement the Information Architecture Study to improve, design and develop automated data processing (ADP)
based systems and databases related to programs in the Salaries and Expenses Appropriation. Ensure the cost
systems of new systems through the use of contemporary techniques for quantifying and justifying ADP
systems and databases.

improve the quality, reliability, interconnection, maintenance, and the accessibility of existing database systems.

Install and maintain INS's major mission and management oriented systems throughout the Service.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis, and electronic mail.

86180F Provide automated intrusion detection capabilities at Border Patrol sectors consisting of a variety of and imaging equipment with centralized monitoring at the sector for dispatch and reporting purposes.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronice capabilities.

To improve the capability of IMS in detecting and apprehending illegal entrants and drug smugglers into the United States and provide technological guidance in support of all IMS operations.

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Research, develop, apply, and evaluate surveillance, identification, advanced/satellite communications, security/safety techhologies and systems to more effectively support the operating programs in detecting illagal alien and related drug intrusions over thousands of miles of border, as well as the interior of the United states with semblasis on automation, reliability, and efficiency.

Provide scientific and technological coordination with and support to the Office of National Drug Control Polley. Provide lisioon with the Federal, industrial, and university research and development communities to stimulate, maintain, and integrate technical work relevant to high priority interests of IMS.

Communications decision unit is requested in an effort to consolidate resources and merge decision units with the Data and stallar functions decision unit is requested in an effort to consolidate resources and merge decision units with stallar functions. The function of the Research and Development program is to examine problems of the Service and coderelop new or adopt existing technologies for their solution. The objectives of this program are pursued through in-house, contract, interagency agreement and information interchange activities. These declivities cover signal processing reder, infrared imaging, low-light-level television, stationary and mobile platforms, communications, microprocessing that processing, automation interchange activities.

<u>ACCONFILENCETTE AND WORLLOAD</u>: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the followings

I. ADP SYSTEMS

Systems Planning: The 1994 request represents the seventh year for the INS automation program as defined in the Automated information Systems (AE) Strategic Plan. An INS Information Profitceure study completed in 1991 provides the framework for improving designing and developing agency information systems. A parallel analysis, the Office Automation and Access project, also completed in 1991, defines the basic platform of equipment, networks, and communication links to support access to, and use of centralises. The Department of Justice computer centers continue to be the primary facilities for centralised ADP processing for the Service.

IMS initiated the Personal Morkstation Acquisition (PMAC) to procure Office Automation/End User Tier Automation Platform, the essential underlying technology base that must be implemented in INS offices to provide access to IMS databases.

Systems Operation: The following operational systems have been expanded to support 275 INS sites: (1) the Central Index System houses records for over 30 million individuals and supports both State and ä

Federal government access to the SAVE program; (2) various subsystems of the Service's Financial Management Information Systems (1) the Depotrable Alian Control System was expanded to cover 100 percent of aliances in a case; and (4) the A-file Accountability and Control System (AFACS) now covers 84 percent of the Services active files, and is installed at all except the smallest INS locations. A fraud detection system under the Operational Activities Special Information System (0ASIS) has been refined and enhanced. Development of the Enforcement Case Tracking System and enhancements to the Deportable Alian Control System in support of INHACT 90 requirements were initiated in 1991.

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An Interagency Border Inspection System (ISIS) effort has been initiated involving Department of State, U.S. Customs Service and INS. At this time, a joint stearing committee and working group has been established; automation strategies have been approved; an implementation schedule has been identified; and funding responsibilities have been identified and sporved. A direct link between the Interagency Border Inspection System and the Mational Crime Information Center was established in 1989. Interagency data schange activities have been initiated between IMS, USCS and DOS. At the end of FY 1992, 45 airports of entry and 26 land border sites were completed with full implementations and 38 land border sites were implemented with single workstations without machine-readable document readers. During 1993, 73 land border sites are planned to be implemented. At year's end, ISIS installations covered 33 percent of all commercial airport traffic, and all commercial airport traffic, and all of the major airport facilities. IMS funding for ISIS is received from the Immigration User Fee Account (only for air and Beaport development and implemental) and from the Salaries and Expenses Appropriation.

IBIS incorporates approximately 70,000 lookouts; 550,000 lost or stolen alien registration cards; approximately 88,000 lost or stolen passports; 650,000 Department of State (AVLOS/CLASS) excludable aliens; and some 300,000 000 USCS (TECS) lookout and related records from at least six other law enforcement approximately 8,000,000 validation incorporates a Name/Date of Sixth (DOS)/A-number cross reference index of approximately 8,000,000 validation registration cards to date. This index is used to parform Name/DOS quaries automatically when a legal parament resident or border crossing card quary is performed against IBIS and MCIC. Currently, the intelligence community is worthing with IBIS to desensitize some of their information and incorporate their lookouts. Beforcement and intelligence agency involvement in IBIS is expanding with emphasis from the Border Security Review Group (1888).

The SAVE Program, standardized since October 1985, is now available to all states for allen status verification. A new contract for commercial services for operations and maintenance of the SAVE program's data base was awarded in 1992. During 1989 and 1990, the Automated Fingerprint Identification System (AFIS) project successfully demonstrated the capability to positively identify criminal aliens and repet offenders of imagration law. This was retrievable by implementing a prototype advanced technology, computer-based fingerprint identification-storage retrieval system in the Southwestern United States. In 1991, a contract was completed with the Western Gentification between Meriorit (MIN) to provide access to 18 western states and local law enforcement databases. The States installed eleven AFIS booking terminal sites and sixteen high quality fax locations which were networked along the Southwestern border replacing two prototype installations.

Work has been initiated on the conversion to the DC/Tinancial Management Information System (FMIS), principally on a budget execution module. Currently, the task is estimated to continue through 1995. The replacement of the existing outdated mini-computer equipment utilized for INS's financial and management systems has been

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II. DATA COMMUNICATIONS

The Service's data communications network (INSING) has been expanded to support 275 sites allowing for immediate access to INS systems on the Justice Data Center's maintain computers. INSING has been expanded to include access to at least two non-INS information sources—the National Law Enforcement and Telecommunications System (NIETS), which provides information from State law enforcement; systems; and the FBI's Mational Crime Information Center (NOIC), which provides information and unideatice information wanted, missing and unideatified persons, stolen whiches and quins, and other properties and individual criminal histories. The transition from INSINC to FTS 2000 was completed in 1991, with no disruption of service to system users.

Work is being initiated on the installation of data communication facilities necessary to provide foreign office operations with access to INS centralized systems.

III. ELECTRONICS SUPPORT

1. Radio Systems: INS has commenced a major initiative to bring all radio systems and equipment into compilance with standards setablished by the Office of National Drug Control Policy. This initiative is supported with Department of Defense (DD) funding. A study completed in 1990 produced a plan to provide for servicewide implementation over a five year period. A new system was implemented in El Raso, faxes, and work is continuing at other border locations.

In accordance with the Drug Enforcement Master Plan, INS procured mobile and portable encrypted voice radios using combined DoD and INS funds for equipment and installation services for six systems in the following locations: McAllen/Harlingen, Tucson/Phoenix, Laredo/San Antonio, Mismi, Mashington/Baltimore and Chicago.

2. Surveillance Systems: Low-light-lavel television (LLLTV) Systems are being expanded to additional Border Parcol sectors: Individual agent night vision acops for field use, as well as infrared scopes and forward looking infrared equipment for alterate, are part of this intrusion desection intiative. Closed-circuit television systems at service processing centers are also supported by this program.

The new Computer Assisted Dispatch and Reporting Enhancement (CADRE) system, providing sensor and dispatch functions, has been installed in the El Paso Border Patrol Sector. This will provide the basis for upgrading the systems in other sectors as funding permits.

IV. RESEARCH AND DEVELOPMENT

Initial investigations are being made into automatic blometrics analysis of individuals, specifically facial recognition. It is a complex and relatively new technology that will recognise and identify human faces, without active participation, by comparing reference images in a database. The technology is being developed to monitor human traffic flow at alreports, checkpoints, and other ports-of-entry in order to positively identify known illegal and criminal aliens, terrorists, drug traffickers, and other persons of special interest to the

Electro-optics is another field of investigation for Research and Development. In conjunction with the U.S. Army, a test program is underway to use uncooled thermal imaging technology in vehicles to enable Border Patrol agents to esfely pursue illegal entrants at night.

Several projects are underway relating to sensor technology. INS is developing manufacturing specifications for a mite of ground sensors. This will be a government-owned design that will be contracted for manufacturing. It is modular, allowing for upgrades and introductions of new technological components as they become available. Another sensor project is designed to tit in the ground sensors with a specialised camera so that when a sensor is triggered, the camera will transmit an image of the event to a central monitoring station. This project is in the prototype development phase.

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Mon-lethal weapons and body armor are other areas of investigation. In addition to participating in inter-agency committees relating to these issues, the Research and Development program has initiated several projects, including a non-lethal car-stopper device, currently under development.

The Research and Development program actively participates in several inter-agency committees to coordinate investigation of technologies. Some of these are: the Science and Technology Committee of the Office of Mational Drug Control Policy, the Satellite Technology Working Group, the Trecking and Burwillance Working Group, the Devection and Monitoring Working Group, the Container Inspection Morking Group, and the Unattended Group, By coordinating development and acquisition activities with other agencies, INS should realise substantial savings.

PROGRAM CHANGES		K K	1994 Baseline Perm. Pos. MX Assunt	Par 1	1	1994 Ratimate Perm. Por. WX Manusk	E SE		Indrases/Degrases Porm. Pots. W. Sepusit
Data and Communica-	184	173	184 173 \$53,531 181 170 \$52,520 -3 -3 -\$1,011	191	170	\$52,520	7	7	-\$1,011

This request includes decrease of 3 positions, 3 workyears and \$1,011,000 to mest targeted workyear and resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

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Perm.	Total

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Information & Records Management..... 770 LONG-RANGE COLIE: To provide complete and accurate information in a timely and professional manner to the Bervice, other Federal, State and local government agencies, and to the public on immigration procedures, policies, plans, activities, estates, benefits and eligibility, including provisions of the immigration Beform and Control Act of 1990 (IRMACT 90); conduct and administer Bervicewide information services and records programs designed to provide support to IMS's operating components and other United States law enforcement agencies, as well as State and local governments seeking information an aliens. To ensure the reliability and integrity of automated and manual data generated by IMS information systems (ontract and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-maying and efficiency efforts in the area of

data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform and effective correspondence throughout IMS.

NAJOR OBJECTIVE: Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Ensure Servicewide compilance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries from the public within 15 minutes, and all written inquiries received from the public within 20 days.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from INS operating components, other Federal Government agencies, State and local governments, law enforcement agencies, and the public.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, maintenance, processing and retrieval.

Work with the Data and Communications Systems program to improve the control, accountability and availability of INS's manual and automated records through improved systems and procedures, and provide training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the devalopment of the most efficient/cost effective use of manual and automated records systems and resources and ensure that IMS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate, timely, effective and efficient issuance, dissemination and distribution of Service, regulations, directives, operating instructions and forms.

Improve IMS workload data and productivity measurement systems and ensure timeliness, accuracy, quality and completeness of all IMS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and nonimmigrant statistics in annual statistical yearbooks, epecial bulletins, and reports for policy making at agency and national levels.

Establish and maintain liaison with Federal and State agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Ensure that the latest technologies are used in maintaining record keeping systems to be responsive to law enforcement officials who detect, arrest, combat fraud, and remove criminal aliens as soon as possible.

Fully implement the telephone verification system (TVS) program.

Improve the Systematic Alien Verification of Entitlements (SAVE) database that will allow the Service to fully implement the needs regarding agreements between the SAVE program and Pederal, State and local agencies.

Continue to acquire and maintain liaison with new agencies as they express an interest to use the SAVE program.

PASE PROGRAM DESCRIPTION: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in writing; (2) maintain alian record and files from which data may be readily obtained to respond to requests from both inside and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accompilatements; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with setablished Federal regulations and laws; and (6) monitor and ensure internal compilance to standards for systems and Service delivery.

Correspondence				
On-Mand, BOX	5,353	7,296	16,572	20, 398
New Receipts	569,477	333,730	328,926	336,000
Completions	561,564	323,154	326,400	336,000
On-Hand, BOX	13,266	17,872	20,398	20,398
Telephone:		•		
Immigration Information Telephone Sys 2/	7,170,940	4,811,479	4,907,220	5,080,320
[melgration Telephone (other)	461,353	210,759	173,400	144,000
INS "800" Telephone System	750,651	400,594	408,000	408,000
In Person:				
Application Processing-				
Accepted	1.479.849	922,555	940,950	885, 60
Soft Bosented	5.131.709	2.950.103	2.958,000	2,784,000
Second Sere				•
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Records Verification	877,635	6111999	000 1000	
Files Transfer & Request	1			4
from Others/FRC's	1,761,762	970,934	1,000,000	000,006
Files Connection	3,231,530	1,819,916	1,750,000	1,680,00
	3, 591, 948	2,318,444	2,400,000	2,304,00
Mail Processing	11, 135, 586	7,473,579	8,000,000	7,680,000
MOTA/Ph Bequests:				
On-Hand Box	11,433	7,369	11,435	10,940
	70.121	43,387	41,325	40,32
	200	39, 321	41.820	39,36
	12.000	11.436	076-01	11.600
District and the second of the			200	
DOXE ACTACKT:	113	125	128	128
Control of the Contro	2.62.857	3.387.000	4.000.000	8.000,000
State to the state of the state				
PAS Receipts - Unedited Reports (b)	27,000	6,750	6,750	6,750
Completions - Output Reports (b)	27,000	6,750	6,750	6,750
Inquiries (b)	2,700	5,100	5,100	5,100

A changes from 1991 to 1992 are due to automation of the input side of tresulting in increased inquiries primarily about the system operations.

As of September 1992, Immigration Information (II) telephone systems at 62 field offices were enhanced and upgraded. All II Telephone Systems now provide callers with the ability to telephonically request IMS forms through a voice mail feature.

A separate completely automated Immigration Information "INS 800" telephone system continued to operate providing toll-free information nationwide to callers on the major provisions of the new immigration laws, processing over 5.0 millian calls as of April 1992. In July 1992 the INS 800 was also upgraded with the capability to accept forms requests. In the first six months of operations through Pebruary 1993, "INS 800" received and distributed 166,877 forms requests.

The Alien Files Accountability and Control System (APACS) has been installed at 39 sites. At present 24 file control offices (TCO's) are under the Local Area Wetworks (LAMS) and 15 FCO's are under the mini-computer networks; thus, expanding the population of alien files under control of APACS to approximately 90 percent of control of APACS platform to a LAM environment, or networks alien files. With the expansional accountability of connected to the national systems through its interface with the Central Index System. The functionality of APACS has been enhanced to include tracking and processing of receipt files (called RAFACS) and other Service

A prototype text information management system (called ALANS) which captures information on INS Service Law Books and the Administrative Manual (policies, directives, regulations, Statutes, instructions, and forms) using Ecompact Disk (CD) hand only Memory (MON) technology, was devaloped and successfully tested in both the stand alone and the local area network environments at INS Readquarters in the first half of 1991. In the second half of 1991, a second prototype disk, using an upgraded application software (Microsoft Windows), was tested and evaluated. In the second quarter of 1992, the CD-POKH technology was successfully tested at the Phosnik District Office, using the PC ARACS platform in both the network and the stand alone environments. The application was coressfully pleased by over 80 microsomputers alone to the Application. There were no interacted of the system's degradation or malfunction during the access and use of the application. All participants in the test were extremely pleased and enthusiastic about the capabilities and the benefits offered by the prototype application. On alone is related to the Information Architecture through the network services, as part of the collection and distribution services of Administration date. During 1993, the application was successfully tested on a local area network (LAN) at headquarters. It is planned to expand the application during the 4th quarter of 1993 beyond the prototype stage to the INS operational environment.

A total of 151 sets of postage metaring equipment have been installed and the required staffs have been trained on its use. The installations and training have been done in accordance with the requirements of the U.S. Postal Service. IMS has made its final order for an additional 38 sets of mailing equipment which is expected to be installed by the end of 1993. This will complete the procurement of mailing equipment for the larger offices. The 119 smalls use penalty mail stamped envelopes.

Customer Management Information Systems (CMIS) were upgraded at 20 locations and the newest version of CMIS was installed at 8 additional sites. This is an automated ticketing and control system which directs customers to the proper Immigration Information Officer based on the nature of the customer needs. Installation of the CMIS equipment has resulted in significant decreases in customer wait times and lines at the 28 locations.

Installed the automated telephonic inquiry enhancement to the RAFACS at the four Service Centers. This enhancement to the RAFACS (called TIERS) enables callers to obtain information on case status and additional applications and petitions.

Implemented an allen card transaction inquiry on-line narrative system at the Immigration Card Facility (ICF) to respond to inquiries on the production status of Allen Registration and Border Crossing Cards at the ICF. Since operations began in August 1992, the on-line narrative system has received over 30,000 calls a month from IMS operatives regarding the production status of alikn cards. IMS calls this activity ACTION.

An electronic Document Imaging Prototype System has also been developed. It is comprised of optical disk storage devices, an optical scenner for imaging and character recognition capabilities, barcode technology, and electronic image transmissions. The prototype sfort, previously tested in a laboratory environment, is now in the process of a wallustion in an operational setting. This is seen as a possible alternative to certain laborate data entry and data/lange retrievel operations. It is anticipated that over 300,000 paper files will no longer be needed as a result of this prototype effort.

the imaging and optical character recognition capabilities will directly support the image storage and data collection pillars of the Information Architecture (IA). As INS moves away from reliance on paper files, the ARACE platform will play a relational support role by providing an index between electronically imaged files and the location of the hard copy files.

A new system of filing Alien Files was implemented during the second half of 1992, it is called the Responsible Party Filing System (RFS). This system was an enhanced use of extering AFAGS/RAFGS technology at the field offices to increase productivity. The prototype test of the new filing system was implemented at the Philadelphia District Office. Evaluation of the new system during the test has revealed increased productivity over the Terminal Digit System which is currently in use at most INS field offices. The RPFS is now in use at during the next several field offices and it is projected that the system will be implemented at all of the larger field offices during the next several months.

During March 1992, the Telephone Verification System (TVS) was implemented with nine employers voluntarily participating in verifying status of alien new hire employees.

PROGRAM CHANGES:	1	94 Bae	eline	18	94 Ret	LEATE	Incr	70000	PECKEREE
	Pos	Ħ	Amount	Poe	벎	Pos. MY Amount Pos. MY Amount Pos. MX, Amount	Poe	Ħ	Amount
Antegeneral a recorde	758	736	\$43,259	142	720	\$42,148	-16	-16	-\$1,111

This request includes a degrease of 16 positions, 16 workyears and \$1,111,000 to meet targeted workyear and resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

1994 Baseline 뉰

100

Amount

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13

1993 Appropriation Anticipated

<u>LONG RANGE GOAL</u>: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Ismigration and Mationality Act. 14 13 \$7,331 Construction and Engineering..... 14

MAIOR CANECIVE: Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

Construct border patrol stations at El Centro, CA; Calexico, CA; and Laredo, TX.

Construct support facilities for a 300-bed lockdown dormitory at Krome Service Processing Center, Florida.

ALE PROGRAM DESCRIPTION: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the election design agency. Space is a acquired through the General Services Administration (983), by lease, by IRE construction and through assignment by alroyst authorities. New inspection facilities coordinated as necessary with U.S. Custome Service, Public Health Service, Department of Agriculture, GSA, State, county, local airport and foreign authorities.

Accomplishments and Workload: Accomplishments of the Construction and Engineering program are presented in the following table:

Jt.m.	1881	1992	1993	15.00 1994
Major New Construction Projects	**	16	13	13
Verify G&A billings	450	460	460	94
Building Evaluations	97	18	18	8 1
Design Support Projects	42	34	31	33
57-81/144 (Request for Space) sent to DoJ				
for processing (Servicewide)1/	9	9	80	90

These workload statistics reflect the number of actions processed and are not necessarily driven by available resources. The documents included in this item are initiated for increases in space, decreases in space, relocation of offices, revisions to existing space, consolidation of operations, and 384-mandated moves. 7

PROGRAH CHANGES:					994 BA	et ine		199	LEGET	MEe	Incr	77887	POKORBO
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Construction and Engineering			:		1 21	\$8,5	. 5	=	1 2	14 13 \$8,501 14 13 \$8,386	:	:	-8115
This request includes a decrease \$115,000 to meet targeted resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Progress Changes chart.	decreas	rease.	\$115,000 rovided i	to set	target	ed resou cation o	rce l	evels E1-Act	of this	Progress	stration Changes	ohart	stailed
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LONG-RANGE GOAL: To provide legal representation for the United States Government in all cases and matters arising before Immigration Judges, the Board of Immigration Appeals, Administrative Law Judges, and the Office of the Chief Administrative Hearing Officer, Represent INS in all other contested administrative hearings in which the agency is involved; provide legal advice and support to INS operating personnel; represent INS in cases tried in Federal courts; and consult, train, and provide legal support for interagency efforts in combating the threat posed by allen oriminals. NAJOR ORJECTIVES: Represent the Service before administrative bodies and Federal courts in employer sanctions and civil document fraud matters.

Provide litigation and consultation support to interagency task force operations to effect the expeditions deportation of criminal aliens and thereby reduce costs of incarceration.

Provide litigation assistance in Federal and local drug and organized crime task forces.

Provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation from the United States.

Provide training for attorneys and enforcement personnel in employer sanctions and civil document fraud cases.

Purnish legal counsel and training in immigration law for enforcement officers of State, local, and other rederal agencies for identification and expeditious processing of allen drug traffichers and criminals.

Provide increased support to the Office of Finance to increase debt collection.

BASE PROGRAM DESCRIPTION: INStatorneys represent the Service before immigration Judges, the Board of Immigration Appeals the Morit Syracheriston Describes and boards and boards of contract appeals. The program provides litigation support in agency litigation being conducted in United States District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Central

ACCOMPLISHMENTS AND MONILOAD. Accomplishments of the Legal Proceedings program are presented in the table below:

			**	444
Itm	1991	7887	1993	1994
Non Sanctions Workload: 1/				
Trial Attorney Aprearances	216,972	180,128	194,050	202.780
Cases Prepared	226.568	195,417	210,520	219,900
Preparation of Logal Briefs and Memos	28,857	24,542	26.440	27,630
Legal Consultations	127,760	113,726	122, 520	128,030
Sanotions Workload:				
Notices of Intent to Pine:				
Recelved	2,718	2,584	2,780	2.910
Completed	2,410	2,400	2,590	2,710
Consultations and Legal Advice Completed.	21.469	19.504	21.120	22.070
Legal Opinions and Memoranda	4,698	5.414	S. 830	000.9
Training Completed	1.700	384	410	430
Administrative Law Judos (ALJ) Cases:		;		•
Received.	808	456	947	014
	7 2 2		7	
	P	705		
ALJ Appearances Completed	426	195	210	220
Other ALJ Matters Completed	4,868	2,468	2,850	2,980
Civil Document Fraud: 2/			•	
Motices of Intent to Fine:				
Recelved	:	:	2,860	2,60
Completed	•	:	000	005
Consultations and Legal Advice Completed.	•		1.470	1.470
Legal Opinions and Memoranda	•	:	220	220
Training Completed	•	•	9	9
ALJ CABOS:				
Mecelved	:	:	200	2
Completed	:	:	\$	055
All Appearances Completed	•	:	200	310
Other M. Matters Completed			1.000	4.950
Collect Overdee Debts (\$000's)	21.044	43.720	£3.700	4.000

1/ The non-senctions workload indicators for 1991 are being revised because the levels originally reported inadvertently included workload from the fee accounts.

2/ The Immigration Act of 1990 includes a new civil cause of action for document fraud, which is reflected in the workload table beginning in 1993. Previous budget submissions estimated that the civil document fraud program would commence in 1992. The program, however, will not be implemented until 1993.

Other accomplishments include the following:

<u>Employer Sanctions Program:</u> Success of the Mock Hearing program continues to ensure the high quality of the cases being lit.gated. As a result, INS has received favorable decisions in nearly all employer sanctions cases tried to date before Administrative Law Judges. The careful handling of these cases at the administrative hearing level and the resulting favorable decisions have been cruckal to the development of employer anotions

Maintenance of the Index of Case Decisions on Employer Sanctions and the Digest of Case Decisions on Employer Sanctions. These reference tools continue to be effective timesaver in researching particular points of law in sanctions cases. In addition, all employer sanctions regulations issued to date have been compiled and distributed to the field as a part of the Employer Sanctions Legal Reference Series.

Continuation of the Employer Sanctions Legal Advisory Committee (ESLAC). Created during the early stages of employer sanctions, the Committee continues to be of immense value in resolving complex legal issues as well as providing field offices with input on major employer sanctions legal matters. Agendse and minutes of all ESLAC meetings continue to be compiled and distributed to the field as a part of the employer sanctions legal reference series.

Updating of the Employer Sanctions Basic Training Course and Advanced Attorney Training Course

Further development of an Advanced Training Course for enforcement officers. As enforcement personnel ha gained experience in investigating employer wanctions cases, the advanced training course must continue to

Providing training at the Federal Law Enforcement Training Center (FLETC). Experienced sanctions attorneys conduct training in employer sanctions for Special Agents, Inspectors, and Border Patrol Agents at the FLETC facilities in Olynco, Georgia and in Artesia, New Mexico.

CLAIL Document Fraud Program: Initial implementation of the Civil Document Fraud Program has included the following:

Fraining of Service personnel, including Attorneys, Investigators, Inspectors, Adjudicators, and Border Patrol

Establishment of the Legal Reference Series for Civil Document Fraud, containing legal opinions. This will also include an index of case decisions on civil document fraud and adjest of case decisions on civil document fraud. As with employer sanctions, it is expected that these reference tools will be attremely effective and time-saving for attorneys in researching particular issues and/or points of law in civil document fraud cases.

Inclusion of civil document fraud issues in the Employer Sanctions/Civil Document Fraud Legal Advisory Committee (SELAC). This committee has already proven to be of significant value in raising and resolving complex legal issues, and in facilitating exchange of information regarding these emerging areas of enforcement activity. Agendas and minutes of the meetings, including civil document fraud issues, continue to be compiled and distributed to the fall as part of the Employer Sanctions and Civil Document Fraud Legal Reference Series. Providing training at the Federal Law Enforcement Training Center (FLETC). Experienced attornays conduct

the PLETC training in civil document fraud for Special Agents, Inspectors, and Border Patrol Agents at facilities in Glynco, Georgia and in Artesia, New Mexico. The training described above, and additional training for Service attorneys, are critical in order to ensure that the Civil Document Fraud program enjoys success similar to that of the Employer Sanctions program.

<u>Criminal Alian Programs</u>: The Legal Proceedings program continues to emphasize litigation strategies and deportation of criminal aliens. The Immigration Act of 1990 broadened the definition of "aggravated felon" and limited the amount of discretionary relief available to such felons. Under the Act, all aggravated felons who are not lawfully admitted must be detained. Expedited exclusion and deportation of these aliens requires more inclusive begal review because of the numerous categories the aliens can fell under depending on the nature of the conviction.

In coordination with the Executive Office for Immigration Review and State correctional systems, the Legal Proceedings program has established the "institutional hearing program" in 49 states. Institutional hearings also have been expanded in the Federal corrections. Each hearing must be staffed by an INS attoriery. By completing these hearings in a State or Federal institution, a criminal alien can be deported immediately upon release, thereby proceeding society from further ham from the alien as well as saving the costs of detaining the alien after release from prison; while the deportation process continues.

The Legal Proceedings program works with the Department of State, Bureau of Prisons, and other interested agencies and countries to develop programs whereby a convicted alien will serve his or her sentence in the country of origin.

IMS attorneys also encourage original prosecutors to make "self deportation" part of any plea bargain that is entered into at the time of conviction. IMS attorneys are stationed in all IMS district offices to coordinate and assure the effectiveness of the criminal blien programs in their districts.

Enforcement Counsel Programs, in place in all INS districts and border patrol sectors, provide legal advice regarding the apprehenaton, prosecution, and subsequent deportation of criminal aliens. This has resulted in the more efficient targeting of criminal aliens through such innovative programs as the Alien Sauggling Interdiction and Removal program.

<u>General Law Program:</u> The Legal Proceedings program continues to prepare legal opinions on immigration law and policy issues arising from the Immigration Act of 1990 and other legislative changes. The program provides legal support to agency operations and revises agency regulations for publication in the Federal Register.

Ingrass/Degrass	Pos. NX Benut.
Pers.	40 20 \$2,076
1994 Retimete Porm.	
1994 Baseline	Pos. Wx Amount
Perm.	437 369 \$32,291
Program Charges	Legal Proceedings

The total program enhancement request for the Legal Proceedings program for 1994 is for 40 positions, 20 workyears and \$2,171,000 to workyears and \$2,171,000 to

provide an additional 20 paralegal and 20 legal technician positions. This is offset by a decrease of \$93,000 to meet targeted resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

The increase of 40 legal support positions will enhance the ability of attorneys to perform their two most basic and traditional legal activities: (1) representing the Service in deportation, exclusion, and rescission of permanent residence status hearings before the immigration Courte, and (2) providing legal advice and counsel to district disectors, sector chiefs, and the operating components in the field (the Management and Planning Staff (MPS) study and the 1994 Justice Management Division analysis concluded that the current level of resources is inadequate to meet the workload levels in many of the district offices). The additional personnel will greatly increase attorney productivity by performing basic legal research, cite-checking and "shepardising" briefs, writing simple legal memorands, motions, and letters, preparing and organizing exhibits, locating and interviewing with extensions would information, preparing estable discovery requests, analyzing documents obtained during discovery, organizing case files, and carrying out other legal and administrative support functions. All the requested positions would by located in district offices.

Activity: Program Direction

PCKEARE	MX AMOUNT		-\$339
d/8881	Ħ		:
Incre Perm.	Poe.		:
Inate	Pos. W. Amount		\$90,412
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199	Post		8:16 801
eline	Pos. WX Amount		\$90,753
94 Baseline	Ħ		801
1	Poe		846 801
riation	MX Amount		\$87,559
Appropriation Appropriate Appr	ᅿ		800
1993	Ros		860
		anagement and	Administration

This activity provides for the overall administration and management of the Service.

LONG-RANGE GOALS. To formulate and coordinate meaningful and consistent management policies and direction throughout all levels of the Service; to provide management direction to field units that implement major policy and management derivations to more than one program; and to provide the full range of administrative support nervices to all programs on a timely basis in compilance with laws, policies, and external and internal requirements.

NAJOR OBJECTIVES: Provide for continuaty, and control of the overall management and administration of INS.

Direct implementation of servicewide policy and ensure its effective and uniform application.

Provide management direction to field units on implementation of INS policy and initiatives.

Improve agency responsiveness through continued enhancement of management systems including:

Maintaining and refining delegations of authority and requirements for accountability for Mational policy direction, regional implementation, and district and sector execution, including appropriate control of resources;

Continuing to emphasize and institutionalize INS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid devalopment of information systems to meet the needs of management and immigration policy formulation. 0

Provide program direction for the personnel, equal opportunity, budget, accounting, property management, and support services.

Plan, direct, and coordinate the Service's internal audit and compliance review programs designed to promote economy, efficiency and effectiveness within IMS; provide the capability to investigate allegations of mismanagement and misconduct by IMS employees; make recommendations on disciplinary policies and procedures of the Service; conduct special internal investigations at the direction of the Commissioner; perform oversight activities of the Service's systems to eliminate fraud, waste and abuse in the workplace.

Provide vehicle support services.

Provide for the full range of security, safety and health support activities.

BASE PROGRAM DESCRIPTION: The functions of this program are: (1) To provide management direction and support super implementation and operation of regional and field activities and functions to those manages and supervisors who are responsible for and exercise authority over multiple programs; (2) To execute the provisions of the immigration and Nationality Act and related policies through the development and implementation of immigration and sevaluation of administrative support systems and sevaluation operation and evaluation of administrative support systems and sevaluation and evaluation of administrative support systems and sevaluation described and exact internal operational and management, implementally mandated requirements. Included in this program are deticed to constitution and control of the Sarvices furnishing accurate and prompt responses to constitute and public inquiries and evaluation of the Sarvices furnishing accurate and prompt responses to frequent inquiries of GAO, GIG, CMB and Departmental investigations; providing formational responses to frequent inquiries of GAO, GIG, CMB and Departmental informations of Sarvice programs. The major administrative functions vitchin the program includes parsonnal, accounting, equal employment opportunity, budget, procurement, property management, security, safety and health, and other miscellaneous general services that support all programs

S ACCONDISSINGENTS AND HYBELOAD: Accomplishments of the Management and Administration program are presented the following table:

				Sationte
Ikon	1881	7887	7857	7661
Personnal: Personnal Actions	64,275	61,149	90,000	90,06
Number of Persons Hired	1,610	1,800	2,000	2,000
Position Classification Requests	1,776	1,954	2,146	2,146
Position Review Request	8,843	10,767	14,874	14,874
Formal Grievances	274	290	296	296

00949

1991 1992 1993 1993 1993 1993 1995
20, 20, 800 190,000 190,000 190,000 190,000 190,000 190,000 233,000 233,000 233,000 233,000 233,000 233,000 233,000 233,000 2,261 3,446 3,446 3,446 3,446 3,446 6,000

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- In 1993, a greater than normal increase in the number of personnel actions processed is anticipated due to: (1) the projected increase in the size of the workforce based on the Attorney denseal's 1992 hiting initiative for the Service and (2) implementation of the organizational changes in both the Operations and Management organizations resulting from the 1992 Department-approved Servicewide reorganization. 7
- These statistics are for the total workload in all accounts. The nature of the workload being measured does not allow for breakdown by account. This decision unit supports all programs Servicewide and a single action will often include the SEE, Examinations Fee, and Inspections User Fee activities.

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The 1991 workload statistics were extracted from the Federal Procurement Data System and the DOJ Automated Contract File. The apparent disparity in the number of actions processed stems from differing interpretations and definitions of items to be recorded into these systems by various offices. ~

Resolving serious understaffing of the management and administration activities, particularly at field and regional offices is a high priority for the Service. The staffing levels within administrative offices in these locations have not increased proportionally to the workload increases and staffing of operational programs. The problem has received serious study from both INS and the Department of Justice. These studies have recommended increases in staffing in the functional area of accounting, budget, personnel, property management, procurement, audits and security.

Responsibilities of the Office of Finance have increased significantly during the past several years. In addition to the appropriated account, five reimbursable accounts have been added to the Service. The Office of Finance managed resources totalling over \$1.5 billion for fiscal year 1952. In 1952, the Office of Finance conducted monthly financial reviews, as well as detailed quarterly fiscal reviews that involved the Executive Staff, regions and program managers input in resolving problem areas. The Office of Finance has also developed a central debt collection management of fice. Also during the year, the Service implemented the Department of Justice's Financial Management Information Systems (FMIS), the Distributed Budget Module (DBM). With implementation of the DBM at Headquarters completed, the focus of efforts has been implementation of the DBM to the field and enhancement at the Headquarters level.

	FOR. 100 846 801 \$90,751 8
	unt Ros. MX Amount 751 846 801 \$90,412
1	E Pos. WX Decunt

This requect includes a decrease of \$339,000 to meet targeted resource levels of the Administration. A detailed description of this decrease is provided in the Justification of Multi-Activity Program Changes chart.

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Immigration and Naturalization Service Salaries and expenses

Financial Analysis - Program Changes (Dollars in thousands)

				10 V 0 8	investments					FER	FTE Reductions	
Feet	- Car	nepections	Investigations	ations	Detent	Deport	Legal Proceedings	Sedings	Inspections	Store	Borde	Petrol
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Grades Garcial - 15									7		-2	- 5135
08/OM-14		: :	: :		: :	: :	: :	: :	- 7	-13	~	*
Q8/QM-13	:	:	:	1	:	ŧ	:	:	:	Ē	:	:
08-12		:	:	:	8	81,410	:	-	•	:	:	:
- 80	:	•	:	:	4	1,613	=	•	:	•	:	:
85	3	2.55	: :	•	\$	417	8	200	8	-686	ş	-2,334
C8-7	:	1	:	:	5	2,067	8	478	•	:	:	
9-80	: :	:	:	:	8	613	=	:	•	=	:	:
G8-8	:	:	:	-	ឌ	2	:	:	;	:	:	•
G8-4	=	-		-	2	276	-	-		-:-		
Total positions and annual rate	3	4,630	:		Ŕ	6,717	\$	98	8	-876	ş	-2.963
(+/-) eeden	-68	-482	8	\$1,623	- 132	-2,528	8	33	:		-	200
Other personnel compensation.		8				1,048	=	1		-	-	::
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Personnel benefits.	•	1.000	3	3 8	3	900	3	2 8	B	200	ž	-2072
Travel and transportation of persons		\$				388		i :				
Transportation of things.		:		:		:		:		•		-
Rental payments to cahers.		:		:		:		:		:		:
Comm., utilities, and misc charges		ē		:		:		18		:		:
Printing and Reproduction		:		:		1		:		•		:
Other services		1,213		1		3,286		<u>2</u>		:		:
Supplies and materials		88		:		ž		8		-		:
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Total program workyeers and obligations	1		;				1			-	8	
Changes requested, 1994	2	8	3	7	<u> </u>	8	R	2,171	Ş	-1.742	24-	9

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Immigration and Naturalization Service Salaries and expenses

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GS/GM - 13		2	:		:	:	•		: - ī	- \$48	:	:
GS-12	: 9		:	:		-8135	:	:	-	}	:	:
		5	: •	: 5		3	:	:	:	:	:	•
GS-11		200	-2	798-	፧	:	:	:	:	:	:	:
GS-9		98,	:	:	:	:	:	:	:	:	:	:
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GS-6.	ç	-61	÷	-	:	:	:	:	:	:	:	•
GS-5	*	-73	:	-	:		;	-	•			
0S-4	-2	-33	:	:	:		: :		: :		: :	
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Other services		:		:		- :		:		:		-
Supplies and materials		:		:		:		:		Ē		:
Equipment		:		:		:		:		:		:
Total contract months and both and contract to the Total												
Total Month and Appendix of the Conference			•	7	•	-	;	-	•	i		;
changes requested, 1994	-31	-1,911	-2	8	-3	-208	-16	- 968	-	-74	:	-17

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immigration and Naturalization Service

Financial Analysis - Program Changes (Dollars in thousands)

			Administrative	e Dedications		
them.	inspections	Border Patrol	Investigations	10	Training	Data & Comm
	Poe. Amount	Poe. Amount	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount
Grades						
- 10	:	:	:	:	:	:
G8/3M - 14	:	:	:	:	:	:
G8/GM-13	:		:	:	:	:
08-12	:	:	:	:	=	:
08-11	:	:	:	:	:	:
- 80	:	:	:	:	:	:
Q8-7	:	:	:	:	:	:
Q8-80	:	:	:		:	:
G8-8	:	:	:	:	:	:
G8-4		444	***	***	***	***
Total coattons and annual rate	:			;		
[aom (+/-)						
Other personnel compensation.			: ;			
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Remai payments to others.	: :	81-	17	7		7
Comm., utilities, and misc charges	-78	-17	-107	2	7	4
Printing and Reproduction	9 5	7 3	ត ខ្	7 5	13	~ 3
S. Care and A. Car	<u> </u>	\$ 8		2 :	ŧ .	3
Supplies and merchans	P .	204-	Ì	7	ī	7
Total program workyeers and obligations obscores requested. 1884.	-247	-1.20	6141	167	\$	8

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Immigration and Naturalization Service

Financial Analysis -- Program Changes (Dollars in thousands)

			F 0 4		I •	Administrative Reductions		(continued)				
E-	T of	Info & Records	Intelligence	ence	Constr	Construct & Eng	Legel Pr	Legal Proceedings	Momit	Mgmt & Admin	10	TOTAL
	8	Amount	P08.	Amount	P06.	Amount	Pos	Amount	8	Amount	8	Amount
G(6000												
COCO	:	:	:	:	•	:	:	:	:	•		
CO/CSF - 14	:	:	:	:	:	:	:	:	:	:		
GS/GM-13	:	-	;	:	:	:	:	:	:	•		
GS-12	:	:	:	:	:	-:	:	:	•	:		
08-11	:	:	:	:	:	:	:	-	:	:		
6-80	:	:	:	:	:	:	:	;	:			
08-7	:	•	:	;	:	:	:	:	:			
08-6	:	:	:	:	:	:	:	:	:		2	\$85
GS-5	:	:	:	-	:	:	:	-	:	:		
G8-4.		- 1			:		:			::		
Total positions and annual rate	:	:	:	:	:	:	•	i	:	:		
Lapse (+/-)	:	:	Ξ	-;	:	:	:		:	:	8	0.837
Other personnel compensation.	:			-1	:	-				::		- 1
Total workyears and personnel Compensation	:	:	ŧ	i i	:	:	:		,	:	2	8
Travel and transportation of persons.		3		E		ষ্ট্		- S		(\$32		8
I reneportation of things. Rental payments to others		Ξ		: 2		1		હ ક		E		23
Comm., utitibes, and misc charges.		(32)		8		Ξ		<u>ē</u>		3		8
Printing and Reproduction		E		Ξξ		E		ΞĘ		9		2
Supplies and materials		<u> </u>		इहः		E		: 2				<u>}</u> §
Total program workyears and obligations												
changes requested, 1994.	:	(143)	:	Ξ		8	:	83	:	5	2	10.780

Immigration and Maturalization Service

Salaries and expenses

Justification of Multi-Activity Program Changes (Dollars in thousands)

Itom: Program Programme	1994	TTE No	duction	Admini	strati	ve Savinge		Tota	14
Program	Pol	벍	M. Masunt	Post	멸	POS. MX Amount	702	Ħ	Amount
Inspections	-28	-28	-\$1,742	:	:	-8247	-28	-28	-1,989
Border Patrol	-93	-92	-5,920	:	:	-1,209	-93	-92	-7,129
Investigations	:	:	:	:	:	-413	:	:	-413
Detention and Deportation	-31	<u>-</u>	-1,911	:	:	-378	-31	-31	-2,289
Intelligence	7	7	-74	:	:	7	7	7	-115
Training	7	7	-95	:	:	-53	-7	?	-150
Data and Communications Systems	ç	7	-208	:	:	-803	ï	ĩ	-1,011
Information and Records Management	-16	-16	-968	:	:	-143	-16	-16	-1,111
Construction and Engineering	:	:	-17	:	:	96-	:	:	-115
Legal Proceedings	:	:	:	:	:	-93	:	:	-93
Management and Administration	444	444	111	444	444	-119	444	444	-339
Total	-174	-173	-10,935	:	:	-3,819	-174	-173 -	-14,754

FTE and Administrative Reductions

Decreases of 174 positions, 173 workyears, and \$10,935,000 are proposed for 1994. The decreases are proposed to be consistent with the recent Presidential executive order to reduce the overall size of the Federal work Decreases totalling \$3,819,000 are proposed for 1994 to be consistent with the recent Presidential executive order to achieve savings in administrative expenses will be achieved through reduced travel, including conferences, external training, and use of contractor services, among other areas.

The impact of program changes on specific programs follows. The President's policy to invest resources in the detention and deportation of criminal and illegal aliens is also explained. In addition, the President's investment to increase the number of land border port-of-entry inspectors is described below.

The Inspections program has a proposed reduction of 28 positions, 28 workyears and \$1,989,000. The Inspections program has an investment increase of 163 positions, 81 workyears and \$10,000,000. These additional resources will allow the Service to staff new ports-of-entry as well as open an additional 27 of its existing 460 vehicle lanes at land borders throughout the nation as well as expand port automation capabilities. This will result in a reduction in public waiting times during both rush and non-rush hour periods.

The Border Patrol has a proposed reduction of 93 positions, 92 workyears and \$7,129,000. Nonethaless, technological advances in areas such as border barriers, lighting, and survaillance and detection equipment will approve control operations. Improved technologies, coupled with any needed adjustments to border strategies and operations, will allow the Patrol to successfully counter any increase in attempted illegal entry along the border.

The Investigations program has a proposed reduction of \$413,000. This program has an investment increase of 35 worklyans and \$2,343,000. The additional funding will allow increased efforts directed against criminal allow increased efforts directed against criminal lean activity, violant gangs, document fraud, allen amuggling, and it will enable the expansion of the Institutional Hearing Program.

The Detention and Deportation program has a proposed reduction of 31 positions, 31 workyears and \$2,289,000. This program has an investment increase of 254 positions, 122 workyears and \$11,000,000. This additional funding will provide staffing necessary for the expansion of the Florence and El Centro Service Processing Centers and related Alien Travel, Detention, and Welfare (ADTMM) funds to support the additional bedapance. The expanded bedapance and additional ATDMM funds will further Service efforts in deporting criminal aliens.

The Legal Proceedings program has a proposed reduction of \$93,000. This program has an investment increase of 40 positions, 20 workyears, and \$2,171,000. This increase will enhance the ability of INS attorneys to emphasize criminal and illegal alien deportation cases.

Such The reduction of resources for the Service's administrative and support programs will affect activities such as advanced training and employee development; data and records systems development, operations and maintenance; office automation in field offices; and intelligence and documents analysis.

The reduction in the Management and Administration program of \$339,000 will slow slightly the Service's efforts to address critical administrative shortfalls in district offices and other areas identified by Department of Justice and INS studies. The continued application of technology, quality initiatives, and other management provements will allow the Service to address critical support services provided to operations in finance, personnel, and procurement.

Immeration and Naturalization Service
Building and Facilities
Status of Construction and Summary of New Facilities Requirem
for thousands of obligan.

	_	Budget Request or Appropriation	et or Appropri	udipa						
			New Cont	New Construction or		Total				
	Planning and	2	Expersion	Expension to Extering		Current	Cumera			
	8the Acquiettion	tetton	Facilities	•		Š			Especial	Calmeter
	Fiscal		Fison		Total	Est. o	8		Completion	Antendary
Project	3	Amount	¥	Amount	Freeho	Active	5 Det	Stage of Program	3	3
1. Under construction or fully funded:										
1. Temecule, CA Traffic Checkpoint	1987 - 56	6350	Ī	\$1,634	91,994	38,12	18.12	Completed	2	¥.
2. Modification of Topographical leatures (Bouthern Border)	Ī	28		83,718	2	1	13,03	Partiel completion Under Construction	12/21	Š
3. El Paso, TX 8PC - Asset Forteture	96	\$52	1893	81,670	81,822	81,906	:	Procurement Design	12/00	1
4. El Centro, CA BPC - Asset Forfeiture	198	878	100	7.7	\$4,272	\$4,272	3.	Funded	847	\$
5. Florence, AZ 8PC - Asset Forfeiture	100	8786	1992	5.10	20,00	\$3,808	83,850	Funded ES Master Plan Design 155 Beds	\$	š
6. Port teabol, TX 8P8	ğ.	3	1966 - 90	9 3	Ī	Ĭ	3	Prosument of Construction	Š	2
7. Corpus Christi, TX BP8	1964-10	25	ž	2	2	2	2	Design only construction funds not evallable		
6. Brownfeld, CA 8PS	Ē	\$1,130	1990	82,148		82,278	Ī	Bits Under Brudy		
9. Yaleta, TX BPS	1966 - 89	3	1969~82	\$1,000	81,448	81,449	99,	Building Completed	39/2	7/86
10. San Clemente, CA Checkpoint	1961	\$10,000	1992 - 90	\$22,000	\$20,000	\$32,000	\$20,000	Under Periou	Untrown	Cateron
11. Krome, FL 8PC 300 Bed Loddown Dom	<u>\$</u>	8700	1991-93	\$5,600	94,500	94,300	÷	Procurement of Design	12/30	•

	ø	udget Paque	Budget Requestor Appropriation	tion						
			New Cons	truction or		Total	1			
	Planning and Site Acquisition	pu d	Expansion to	Expansion to Existing Facilities		Current Services	Curent		Frontied	Fatimeted
	Fiscal		Flecal	•	Total	Est or	Oplo	;	Completion	Activation
Project		Amount		Amount	Linding	Actual	to Date	Stage of Program	Cete	Date
 Under construction or fully funded (Continued): 										
12. Alpine, TX Traffic Checkpoint	188	÷	1992	\$18	\$194	\$194	:	Contract Awarded	2/83	5/03
13. Marathon, TX Traffic Checkpoint	\$	188	1992	\$10	\$104	\$ 194	:	Contract Awarded	2/83	2/63
14. Marta, Tx Traffic Checkpoint	8		1992	1018	\$104	\$ 194	:	Contract Awarded	2/83	8/83
15 El Centro, Ca SPC (Modifications Multi purpose Bldg.)	1662		1992	3.487	3,497	\$3,497	:	Additional Funds Required		
16. Krome, FL 8PC 8PC Replace Dorm	586		1993			84.000	:	Contract Pending	Ĭ	30/6
II. Under Consideration:										
1. Buffab, NY SPC	\$	\$1,270	1995-96	\$9,030	\$10,300	\$10,300	:	Under Study	96/	1/1
2. Calexidoo, CA BPS	<u>\$</u>	\$328	1995-96	81,916	\$2,241	\$2,241	ŧ	Under Study	14/97	11/87
3. El Centro, CA BPS	\$	\$ 196	1995-96	\$1,862	\$2.080	\$2,080	:	Under Bludy	2,007	2.07
4. Santa Terese, NM BPS	<u>\$</u>	8750	1995-96	ŧ	\$750	\$750	:	Under Study	16/8	10/6
· 5. Lando, TX BP8	<u>\$</u>	\$328	1995 - 96	\$2,063	\$2,408	\$2,408	:	Under Study	16/8	10/6
6. Presidio, TX Housing	Š	\$195	1995-96	\$1,593	\$1,788	\$1,768	;	Under Study	10/0	10/8
7. El Paso, TX SPC Support Facilities	3	:	1905	\$700	\$700	\$700	:	Under Study	11/86	11/85
8. Krome, Ft. SPC Support Facilities	<u>\$</u>	i	1985	\$1,167	\$1,167	\$1,167	:	Under Study	12/96	12/96
9. Port Isabel, TX 8PC Support Facilities	1991	:	1995	\$1,050	\$1,050	\$1,050	3	Under Study	2/97	2/97
10. El Centro, CA SPC Support Facilities	<u>\$</u>	:	1995	8748	\$748	\$748	;	Under Study	3/87	3/07
11. San Diego, CA Border Lighting	1994	:	1995-96	\$3,000	\$3,600	\$3,000		Under Study	5/87	5/67
12. Boston, MA SPC	1991	\$70	1994	\$698	\$725	\$725	:	Under Study	Unknown	Unknown
13. Renovations at Varick St. SPC	26	ŧ	1991	7198	\$617	\$617	:	Under Study	Unknown	Unknown
14. Enlarge Campo, CA BPS	199	:	1991	\$1,155	\$1,155	\$1,155		Under Study	Unknown	Unknown

i

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Ammigration and Naturalization Service Eslaries and expenses

Status of Congressionally Requested Studies. Reports, and Evaluations

- The Senate Report relating to the Department of Justice Appropriation Act for 1993 (Senate Report 102-331), requires INS to provide a report on the effects of the INS reorganisation on the Rastern Regional Office. The report was sent to Congress on January 4, 1993.
- Public Law 101-515, Section 112(5) requires INS to provide a report on the Financial Condition of the Breached Bond/Detention Account. The annual report will be submitted as required. ä
- Public Law 101-515, Section 210(d)(3) requires INS to report on the Financial Condition of the Land Border Inspection Fee Account. The annual report will be submitted as required. ë
- Public Law 101-515, section 210(d)(3) requires INS to provide quarterly reports on the status of the Land Border Inspection Project. The first quarterly reports will be submitted as required. ÷
- Public Law 101-515, Section 209(a) requires IMS to provide an annual report on the Financial Condition of the Examinations Fee Account. The annual report will be submitted as required. ě.
- Public Law 101-459, Section 210(a)(5) required INS to provide an annual report on Financial Condition of the Inspections User Fee Account and Progress in meeting the 45 minute standard. The annual report will be submitted as required.
- Public Law 99-591, Section 205 requires IMS to provide every two years a report on Adjustments to fees in the Immigration User Fee Account. This report will be submitted as required. .
- The Conference Report, 102-233, requires INS to report quarterly on initiating the Immigration Pre-Inspection Program in the United Kingdom. The quarterly reports will be submitted as required.
- The Conference Report (To accompany H.R. 2608--the 1992 Appropriations Bill), requires IMS to submit a report on the success of the pilot parole project by September 30, 1992. This report is being revised to reflect recent data on the project, and it will be submitted to Congress in April.

Immigration and Naturalization Service Salaries and Expenses

Base Program	1	Investments	
Program	Ranking	Program	Ranking
nvestigations	-	Inspections	-
Border Patrol	_	Investigations	8
Detention & Deportation	_	Detention & Deportation	က
nspections	_	Legal Proceedings	₹
Legal Proceedings	8	,	
nformation & Records Mgmt	N		
Data & Communications	8		
Management & Administration	ო		
Intelligence	ო		
	က		
Construction & Engineering	4		

minimistry and Materialization Service	· Selectes and expenses	all of Permanent Positions by Category	Flored Vacon 1869 1984
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Product Section (Section 1997)	•			•			2	8	
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Queens Enforcement & Dusport (1800 - 1889).	•		9	7				*	*
Deterfor and Department Officer (1801)	8	197	E	147			2	*	
	3		3				2	*	
	288.		1.637	2			;	1,687	
•	Ì	2.32		2,30			2	-	
景	-		•	1.387				1	
	4.273		2	1				***	
Section 1	2	•	2		*			2	
Books Sciences, Economics and Windred (100 - 195)	2		-					*	
Personnel Management (200 - 200)	Ž		2	3	2			2	
	2	1.740	1.877		1		8		
Accounting and Badgat 600 - 800.	Ī		3	2	3			3	
Moderal Dental and Public Health (806 - 799)	•		^	· ·	~			•	
Engineering and Architecture (800 - 800)	8	~	8	**	*	1		8	•
Information and Arts Group (1000 - 1000)	*		*	:	*		,	*	7
Puchese and Industry Group (1100 - 1100)	8		8	**	=			8	
Physical Sciences Group (1380-1389)	-	:	~	•	**			~	_
7	2		2	7	2			2	
Equipment Facilities and Dendes (1800 - 1889)	2		2	*	=		_	2	
Education Group (1790 - 1739)	•	-	2	:	2	Ξ		=	•
Supply Group (2000 - 2000)	3		3	-	3			3	
Border Patrol Flots (2101)	2		2	1	2			2	1
Transportation (2100 - 2100)	2	:	22	:	2			*	
Offer (N'S)	902		ğ	711	£			22	
Total	11,040		11,846	6,843	11,884		784	11,867	
Wachington	440		ŧ	207	#		I	3	
U.B. Flotd	10,982		10,732	6,101	10,732	Ē	*	11,0007	
Foreign Fleid,			[111	836	Įm,		Tm.	Tm.	
Total and a second a second and	1,000	4,307	11,500	3	787.1	(174)	487	11.007	****

Immigration and Naturalization Service Salaries and expenses

	1981 End-of-		1982			1993			•	ž	
Method of Acquisition	Year	Acceded	١.	End-of-Year	Acquired	Disposed	Disposed End-of-Year		Acquired Average Cost	Disposed	End-of-Year
and Type of Versore	i ou i										
Direct Purchase:				- 3			3			2	<u>₹</u>
Subcompact sedan	2	:	:	3 9		: 5	45		121.184	8	\$
Compact sedan	\$:	:	9	3 3	3 8		•	22 437	•	2
Mideize seden	2	•	:	=		8 3			2 43		2
Laros sedan	586		-	582		8	207				100
Pursuit sedan	3	258	172	1,030		338	060,				•
Station Wagon	•		:	•	1	1	1	: :		2	9.0
Van. 4x2	910	\$	2	910	2	₹.	2	3.	3 3		77
- FEET 470	42		:	42	ī	:	7	- ;	3 3	• •	; <u>E</u>
Cerval. 472	153	2	3	3	£	.	3	9	3	2	3
Ambidance	:	:	:	:	:	:	•	:		:	•
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	2			2	-	-	2	:		:	3
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School-Type	7	:	•	3	•	•	1				•
Special Purpose:	1	•	•	8	ç	20	*	•		ì	18
Ven, 4x4	8		• ;	R ;	?	2	ş	3	775 65	=	2
Carryall, 4x4	5	2	8	ē:	: ;	: 5	33		776	*	1,042
Celly, 4x4	ž		•	28.	3	3	345	•		•	•
Trucks:				;	8	8	21.7	8	21.003	8	317
Pickup, 4x2	8	-	:	È (? :	2.5	3	•	26.567	~	×
Pickup, 4x4	8	1	;	3	=	=	3	•		,	•
Other				•	•	•	.5	-	36.433	•	8
Other, 4x2	44	ו פו	:	8 8		•	2	. 0	9	64	2
Other 4x4	R		1	/3		1	A 4.9.R	8		200	6.678
Subtotal Purchased	6277	717	410	0/0'0	Š	Š	200				
Seized or no cost excess:	į			-	33	76	3	27	7,000	22	Ī
Succompact sedan	8 1		\$ 6	5 7	. 8	8	78	8	900	2	2
Compact sedan	2 8		3 5	2 8	3 5	=	8	=	000	-	8
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Large eeden	? ;	2 9	2 :	2 0	2	2	3	=	16,000	æ	2
oper.	110		3 3	5 6	585	2	1901	28	12,366	2	1,147
Subtotal seized	200		3	0/8	96.		1				
								-			
Total Vehicles	40.4	å	909	6.550	1.056	970	9699	494		Ş	\$77Z
Other Vernores	2012	-	1227	T	-						

immigration and Naturalization Service Salaries and expenses Schedule of Aircraft

	1981	•	1992			<u>8</u>			1994	
	End-of-Yeer			End-of-			End-of-			End-of-
Type of Aircraft	Inventory	Acquired	Disposed	Year	Acquired	Disposed	Year	Acquired	Disposed	Year
Direct Purchase Fluid Wing:										•
Single Engine	8	:	:	8	:	21	88	:	i	88
- 1	•	•	•	:	•	:	:	፥	:	1
Turbo Prop (D&D/1)	_	:	:	-	:	:	-	:	:	-
Helicopter:		:		:	:	•	:	:	:	:
Single Engine	•	:	ī	50	:	:	10	:	•	10
Muni-Engine Subtotal, purchase	36	7 :	17	18	11 :	30	38	3 :	1 :	8 8
Lement										
Fixed Wing:	:	:	:	:	:	:	:	:	:	:
Helicopter	3	=	1	=======================================	11	3	3	11	3	#
Subtotal, leased	:	:	:	:	:	:	:	::	:	:
Seized or no coet excess:										
Shorts English	•			•	•		ď			a
The Control of the	. 0	:	•	- 0	_	:	0 0	:	:	0 0
Tito Company	2 0	:	:	9 6	:•	:	2 6	<u>;</u> c	:	2 4
tempol dod com	7	:	:	N	-	:	?	V	:	0
Shote Engine	8	8	6-	8		-2	25		-8	\$
Muti-Engine	31	=	3	=	H	=	1	ij	=	#
Subtotal, seized	3	\$	-3	8	8	-2	8		-2	8
On Loun:										
Strate Engine	-	:		:	:		:	*	1	10
Subsotal, loaned	-	:	:	:	:	:	:	40	:	9
Total Aircraft	100	24	4-	101	2	4-	83	20	-2	\$

19

45600 - 2 -

Explanation

Border Patrol Air Operations

The Border Patrol Air operations is currently in a state of change, from predominately airplanes to predominately helicopters. This change necessitates having some idle aircraft until the new fleet configuration is accomplished.

The aircraft in the Border Patrol inventory are assigned to cover as much of the border as possible. Flight hours are contingent upon the pilots available, money for fuel, and weather conditions.

The Border Patrol inventory also has a number of helicopter airframes acquired from the military as excess. These airframes are to be used as replacements and for parts as the need arises.

Delention and Deportation Air Transport

The INS Headquarters Detention and Deportation; Air Transport Branch has the mission of transporting aliens, most of which are criminal aliens, between points of apprahension, detention, and deportation in the United States. Certain missions are flowing outside of the continental United States such as the Cuban repatriation missions.

The Air Transport Branch flew 2,006 flight hours with 5 aircraft in 1992, transporting 3,554 aliens, including 197 Cuban aliens repatristed to Havana, Cuba. The average age of the 5 aircraft in the Air Transport Branch inventory is 24 years, making them difficult to maintain. To meet its air transportation requirements, INS also uses commercial airlines and chartered aircrafts.

immigration and Navialization Service Salaritie and expenses Summay of Change (Dollars in flouesmots)

	E 8	Work-	Amoun
1980 se Enected	11,787	11,674	0'9968
Transferred from other accounts (ONDCP/8 pecial Fortiture Fund)	:	:	200
Transferred from other accounts (ONDCP/HDTA).	: 1	: 1	5,827
Agustness in permanent positions and wortyears	2	2	
PERMITTED FOR WORKING TOUCHOUS			100
Adjustments to home:		3	
Technical Adlustrate	*1"	•	2016
I be welled worksome	1	8	•
Total Advances	1	8	-2.186
Mardatan bonasas:	•	3	•
1981 Pay American	i	:	~
Wilder - Grade Increase	•		0
	ŧ	:	
Francis De la company de la co	:	:	3
	:	፥	Ē,
POWER ANDWERCOR.	:	:	•
Accident Companison	:	:	•
	፥	፥	<u>ਵ</u>
Poetal Equipment Purchases	:	:	~
	:	:	=
Postal Contract Services	:	:	•
Poetal Under-Reported Postage Use	:	:	-399
GPO and Department Printing	:	:	~
Computer Security Diseaser Recovery Systém	:	:	<u>.</u>
Medical Costs	:	:	8
Employee Data and Payroll Services	:	:	=
OSA Recurring Reimburgable Sewices	:	:	
Lease Expression Costs.	:	:	4
General Pricing Level Adjustments.	::	#	7,306
Total mandalory increases.	1 :	1 :	5.73
Decreases:		:	
Unemployment Compensation – redistribution	:	:	-221
Decrease for one-time transfer (ONDCP/Special Forfeiture Fund)	:	:	-7,000
Decrease for one-time transfer (ONDCP/HIDTA)	:	፥	-5,927
Administrative Serings	3	3	-401
Total decreases	1 3	1	-17.171
1994 6 1994	1.00	1,286	1,007,292
1904 Beachte.	3 8	= 8 8	1007,292
	11.867	11.380	1018 062
		3	2

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Immigration and Newnstanton Berrice Extents and supervess Justification of Adjustments to the Base

(Delera in thousands)		Work	
Affectionità (e beat:	66	Ĭe.	America
1. Technical Adjustment	Ť	•	3. X-
the immigration forters and Central Act of 1980 (RTCA) which will be administered solely by the Office of Special Courses, and as a set of a self-tension in workycars related to the Management and Administration program and OCDE.		1	
Tot Aperent mentione in the contract of the co	-		-2.186
Mandelery investers: 1. 1988 Pry American Commence only first quarter ensures (Deboer Wrough Documber) of the 1983 3.7 persont pay increase	:	i	8
effective in January of 1969 plus appropriate personnel benefits (96,196,000 pey and 51,964,000 benefits). 2. Within-Grade Industria.	:	i	2
The requests, dynamic smooth three appeals increase in costs of within—grade increases. This increase is based on an exercise, dynamic smooth of the Department's empiricy appealable within includes numerous shorter assents as anticipated pay raises, adjustments is instructed within a similar increase in raises, and carrier indeer indeer or exercise to reside the resident premidents printing for each organization. The request includes \$7.71.8.000 for pay		i	
2. Health benefits	i	i	3,317
Increased eate from pay parted 2 to pay parted 3 of 1982 projected for a full year. 1. Federal Insurance Contributions Act (FICA)	•	:	Ä
respondively. This increase of \$351,000 is compared based on the increase in the base rate. Aftering allowances. Aftering the Communication of the Communi	ŧ	:	-
Increase of \$1,000 provides five persons ever the obligations of \$20,000,which is projected for 1963. Assistant Compensation. This increase reflects the billing provided by the Department of Labor for the actual costs in 1962 of employees' accident	:	:	ş
compensation. The 1994 amount will be \$436,000 over the bees. General Bervious Administration (1984) virit. Observed Bervious to sharps reveil rates that approximate these sharped to commercial tenerate for equivalent appear and related.	•	;	14,088
centices. The requested increase of \$14,005,000 is required to meet eur commitment to GBA. Postal — equipment purchase	:	:	2

				6 5			
Amend			•	<u>*</u>	£	900'-	£ .
Went-		ŧ	:	:	ŧ	i	÷
18		i	•	:	•	1	:
	with the direct accountability requirements cannot be done without prosurement of electronic mail processing equipment for use at Department effices and feolitices should not the country and worldwide. This one—time increase of \$768,000—is for purchase of seales, mail processing equipment and contractor assistance.	Postal – equipment rental/maintenance. This request provides for the additional increase for the recuriting, annual expenses for meter rentals (samed be purchased) and equipment ministenes recesses by for the conversion of Federal agencies to the direct accountability method.	or observatively processe codes, An increase of \$177,000 is required. The U.S. Postal Service directive requiring the Department to conform with the direct accountability method of gathering postage exists with require additional personnel needed to processe mail at high-volume forsibins only. The Department anticipates contracting this service. The requested increase of \$61,000 will be essential for the Department to assure continued and timely mail delivery.	11. Postal – under – reported postage usedy. The survent sampling methods used by the U.S. Postal Service for assessing postage of penalty mall are not designed to provide a high jevel of protection and here proved highly inscurate. Based on actual experience of Federal operations who have attend contained to the direct accountability method, the Department's actual postage costs will increase by 26% to 6.5%. This increase is a serviced of actual measures implemented the Department (e.g., presorting of ungerity and containing an execution of the use of expensive, non-contrast sources of urgerit –debrery percete. Estimates based on actual experience, require an increase of 878,000,	a 20-percent release, which is well begarbent that appearance by onest algebrase. 12. Government Printing Office (GPG) (GPG) and Department printing. GPO and the Department are currently projecting a 3.7 percent increase over the 1962 printing and duplicating could be controlled to the Communication of the Communication	by COO or the Department a depleasant plantage. 13. Computer Beautify Disaster Recovery System. 14. Computer Beautify Disaster Recovery System. 15. Computer Beautify Disaster Recovery System. 16. Index the disaster recovery and somitting of operations plan, Junite a bulk Center users will be able to confinue. 16. Local the disaster recovery and confinulty of operations plan, Junite a bulk Center users will be able to confinue. 16. Desirom assemble Numbers in the event that activities bulk Center users will be able to confinue. 16. Desirom assemble Numbers in the event that activities As required, this eystem will reduce the Department's current vulnerability to being a major portion of its mission—enfeat information processing, in the event that numbers are disrupted. The immegration and Neturebasilon Service is requesting a least of \$1,005,000 in FY 1804 to cover equipment and telecommunications expenses for the computer.	security diseaser recovery system. ** Medical contact. The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a feeter of 8.3 percent against medical services. An increase of \$250,000 will be required. For 1894.

	Peg.	Year /	Amount
16. Employee data and payroll services. Centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bureau of investigation. A five- percent increase is needed to dary ourser with inflation, the increased use of the National Finance Central (MFC), and the continuing level of systems support by the Finance Beat. Decemberating the furnations of the Employee Data and Payroll Services is causing increased costs to process personnel and payroll data. An increase of \$163,000 will be required in 1989.	•	:	<u>5</u>
16. GBA requiring reimbursable services	:	:	
ournet resources. 17. Lease expiration seets. 17. Lease expiration seets. 18. Lease suppress manual to the seed to the suppress of the seed to the	ŧ	i	‡
This request applies DMB prioring guidance as of June 9, 1992, to adverted expense categories. The increased cest and prioring guidance as of June 9, 1992, to adverted expense categories. The increased cest as the prioring parties of a 1, percent against those autoobject classes wither a percent may an established through the market bystems instead of by law or regulation. Generally, the breaks is applied to autophies, materials, equipment, contracts with the private sector, printing costs, transportation cests and utilities. Excluded from the computation are categories of private provides and private that the private sector.	ŧ	i	8
Total Mandatory from see	=	"	46,721
Decreases (Automatic non-potion) 1. Unemployment compensation – redistribution	ŧ	i	â
2. F18 2000 Reduction. This decrease reflects recently compiled data provided to the Office of Management and Budget by the General Services Administration on F18 2000. The price redetermination takes into consideration both voice and data services and is an acress the board Government—wide servings, consistent with the President's commitment regarding	i.	ŧ	-4,017
Destates for one-time transfer from ONDCP/Bycole forfeiture Fund. Destates for one-time transfer ONDCP/Rycole forfeiture Fund. Total decrease in the transfer ONDCP/INTA funds.	:	= =	24 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -

Coffections, Ardeements, Beathass.		1982 Action		-	1963 Eetimate	•	7	PRA Entra	21	here	there exists the same	3
ministration from the first		200			337.415			17.52			100	
mmigration Legelitation		17,137			.23			2,240			(6,033)	
Land Border inspections Fee		2 :			6.00 00 00 00 00 00 00			<u> </u>			2	
		1992 Actual		=	1993 Estimate	_		PPA Estimets		a post	Incresse/Decresser	3
Estimates by Program	8		Amount	100	¥	Amount	3	Ĭ	Amount	8	Ħ	Amount
Enforcement	2,378	2,162	8160,326	2,378	2.470	\$194,947	2,543	2.002	\$207,637	Ī	ž	12,94
Citizenship and Benefits	:		ž	;	:	255	:	•	:	;	:	ĕ
Immigration Support	147		41,130	=	145	37,114	=	2	30 ,216	:	:	Ξ.
Pogram DrecklenTolalTolal	21 3	æŗ	200,348	2,567	22	240,042	2,2	2,8,2	255,016 255,016	Ĩ	124	1 8 E
mmicration Examinations:												
Enforcement	241	16	4. 18	3	265	18,243	ž	3	23,380	;	2	8.1
Citizenship and Benefits	2,476	% %	171,014	2,570	2,640	191.600	2.78	8	187,411	2	5	
Immigration Support	3	37.	61.072	•17	1,028	113,056	2	677	2.7	2	8	Ē
Program Direction	4 3 3	73 %	7 5 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	3,675	21 8 0.7	337,415	3 5,	∃ §	247.52 247.52		31 R	9
mmigration Legalitation:												
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Total	a a	ž	12,137	ž	**	Ē	12	=	2	3:	3	E 053
and Border Impositions Foe:												
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reached Bend/Delenter Fund									:			
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merigration Support	:	፥	:	•	~	3	•	•	ž	:	~	2
Program Direction				:	•		:	•	1 674		•	į
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Selente and expenses
ummany of Regulerments by Grack and Object Class
(Dollers in Rousement)

	8	}	- 1980 A	1993 Appropriation	3			
	7	I BARK WORK		0	Target Land	Mark	A STANCE OF THE PARTY OF THE PA	ACL SE
Grades and saleny ranges	Workyears	Amount	Workyeers	Amount	Workreers	Amount	Worthream	Amount
Executive Lavel IV, \$115,700	-		-		-		Ē	
E9-5, \$111,800	-				-		:	
E8-4, \$107,300.	12		51		5		:	
ES-3, \$101,800	~		CV		N		:	
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ES-1, 902,900	12		12		12		: :	
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08-9, \$27,736-38,122	3.4		2,807		4		5	
08-8,525,18-22,710	112		112		12		:	
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Total, appropriated positions	2 =	3	!	7	=	1	2	2
Ì	3	3,407	i	1,637	:	200	i	Z
	8		1	20.00	3.20	(12.52)	6	CISID.
Serfrgs due to lower pay soules for part of year		(25°)		6				9
Net full - time permanent	1.00	23.00	10,780	413.720	10.646	42.60	300	12.633
Other than permanent:								
Part - time permenent	<u> </u>	6,387	ã	8,428	ā	8,900	:	F
Temporary employment	8	7,420	22	9,633	ä	80,0	:	2
Other part-time and intermittent employment	ž	500	5	8,286	910		Ē	2
Other personnel compensation:								
Oscienta	108	85.08 88.08	108	2 2 2	6		•	£
Administratively uncombettle overfine	2	00,000	ž	51,917	Z	30,000	Ē	 3
Oher compensation	2,006	7,000	2,806	16,282	2,506	16.707	:	\$
1831 Act Overtime	*	13,036	*	13,370	2	14.78	: :	25
ì	! !	3	! !	8	! :	•	: :	•
Total, workness and Bersonnel companies.	16.185	107.14	18.644	005 343	18.640	197.198	405	THE PARTY
2				#100 92#	2	A104 MET		
				-		1		

**

Immigration and Neturalization Service Selector and exponent Summany of Rey imments by Grade and Object Clerk

	1992 Actua	ctual	1963 Appropriation Anticipated	Anticipated		1984 Request	Incresse/Decresse	**************************************
Object Chas	Workness	Amount	ı	Amount	Worthware	Amount	Worksen	Amount
11.1 Full - into permanent.	11.18	\$300,830		2413.720	970	575 8675	905	812.833
11.3 Other than full - lifte permanent.	2	17.900	7.	200	7	20.65		K
11.5 Other nemovnel companies	446			101 271	7 811	3		2.618
11.6 Special persons services perments	1	5		150			•	9
Total	16,261	507,146	15,944	\$35,800	15,001	961,824	3	15,924
Reimburgable workvents:								
Full-time permanent.	(4,622)		(6,223)		B.636		#1	
Other than permanent	(908)		(m)		(R)		(-201)	
(2 Personnel benefits		134 013		130 420		147 004		7
13 Benefits to former personnel		9		2		3		=
_		24.183		12.721		18.882		171
		2,407		2,457		2864		23
Ξ		51,073		52.627		86 652		14.025
		S. 18		5,438		3,456		8
23.3 Communications, utilities and								
miscellansous oharges		32,55 55		28,908		28,412		£ ₹
_		1,567		208		15.		8
٠		153,927		140,386		138.846		C.53.7
26 Supples and materials.		27,710		31,173		22.22		28
31 Equipment.		20,040		29,460		24.910		1,550
_		3		8		8		•
-		8		218		5		:
43 Interest and dividends.		3		:		3		:
_		4		Ē		:		i
•		•		8		8		1
Total obligations	16.281	961,278	15,944	996,732	16,801	1,018,062	3	31,320
Unobligated balance, start-of-year		(8,655)		(B. BOS)		1		
Capeer		2]		: 1		
Unobligated balance, end-of-year		908.8		:		: :		
Total requirements.		661,425		128,110		1,018,062		
Polition of obligations to outlant:								
Total obligations.		901,279		27.732		1.018.002		
Obligated balance, start - of -year		264,800		332,385		206,000		
Obligated betance, and -of-year		(382,386)		(206,033)		12 mm		
Adjustments in expired accounts		800				I.		
Octabra		865 ,636		1,114,084		181,187		

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Department of Justics Jemigration and Maturelination Service Jemigration Descendy Pund Entientes for Piesel Year 1994

Table of Contents

فتبسيس

Immigration and Maturalization Service

Immigration Emergency Fund

Summary Statement

Fiscal Year 1994

The Immigration Emergency Fund, authorized by the Immigration Reform and Control Act of 1986 and funded by Public Law 101-162, provided \$35,000,000 in funding for possible emergencies in Border Patrol and other enforcement activities, and for relaburaement to States and localities for assistance in mention and contraction of the immigration and subspect to Presidential determination and Congressional notification. The Immigration Act of 1990 provides authorization for the Attorney General to make available up to \$20,000,000 of the Immigration Act of 1990 Fund to States and localities when the following provisions of the law are met: (1) an INS District Director orecasing quarter by at least 1,000; (2) the lives, property, assety, or welfare of the residents of a state emergencies have been declared or (3) in other circumstances as determined by the Attorney General. Thus far, no emergencies have been declared. On June 4, 1992, Public Law 102-298 rescinded \$4,400,000 from the Fund. The remaining balance of the initial appropriation, \$30,600,000, is currently expected to remain unobligated through the end of 1994.

immigration and Naturalization Service

immigration Emergency Fund

Summary of Requirements (Dollars in thousands)

	1992 Actual	1993 As Enacted	1994 Estimate
Einancing:			
Unobigated betance available, start of year	\$35,000 - 4 400	\$30,600	\$30,600
Unobigated balance evallable, and of year. Budget authority (appropriation)	-30,600	-30,600	-30,600
Obsigations		:	:
Outsign	:	:	:

3

Department of Justice Immigration and Maturalisation ferrice Immigration Lagalisation Estimates for Fiscal Year 1994 Table of Contents

Susmary Statement.
Crosswalk of 1993 Changes
Summary of Requirements
Base Comparison
Summary of Resources by Program
Justification of Program and Parformance
Investigations
Adjudications and Naturalisation
Data and Communications
Information and Records Management
Detail of Permanent Positions by Category
Summary of Change
Justification of Adjustments to the Base
Summary of Requirements by Grade and Object Class

Immigration and Maturalization Service

\$14.70

Immigration Legalization

Summary Statement

Fiscal Year 1994

The Immigration Reform and Control Act of 1986, Title II, Sections 201-204, established a program that provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citisenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haltians who entered the U.S. prior to January 1, 1982. The Immigration Act of permanent resident scalents a one-year extension of the deadline for filling applications for adjustment from temporary to permanent residents status.

The processing of the majority of applications for permanent resident status was completed in 1991. The remainder will be completed by the end of 1993. Appeals of denials will also continue through 1994. The Bervice is requesting a low level of staffing in 1994, 15 positions, to address the limited processing workload and the appeals. Sufficient carryover resources will exist to fund the oppoint costs of this laws lot activity. All of the Legalization Offices have been closed except for the Los Angeles and Manhattan offices. The Legalization Regional Processing Pacilities have been merged into the INS Service Centers within the Examinations program. The Legalization component of these centers will be phased out as work is completed, and remaining resources, such as equipment, will be used to improve the processing of ongoing casework at the Centers.

Several class action suits relating to the Legalisation program are pending in the courts. Depending on the outcome of these cases would generate limited additional processing in the future. Since the outcome of these cases is unknown, no additional resources are being requested. However, the additional receipts from filling fees would cover any costs incurred as a result of a court mandated extension of the program.

Action by the Congress on the Department of Justice Appropriations Act, 1992, provided up to \$3,000,000 each year in excess Legalization program resources to the Office of Special Counsel for Immigration-Related Unfair Employment Practices. The 1992 and 1993 budgets included \$3,000,000 for the Office of Special Counsel for outreed programs. Based on the requirements of IMS to maintain an appeals unit, it is estimated that available receipts will only allow reimbursement of \$900,000 for the Office of Special Counsel in 1994.

Immigration and Naturalization Service immigration. Legalization Crosswalk of 1983 Changes (Dollars in thousands)

	20 CD	1993 President's Budget Reguest	9 j.	£	Reprogrammings	8	1993	1993 Appropriation Anticipated	e e e e e e e e e e e e e e e e e e e
Activity/Program	Poe	¥	Amt.	8	¥	Amt.	8	≩l	Amt.
s. investigations	:	:		•	:	28	ŧ	:	2
2. Citizenship and Benefits a. Adjudications and Naturalization	#	*	14 \$1,222	•	3	3,419	23	67	. 19,
3. Immigration Support a. Data and Communications Systems	:	:	:	:	:	8	;	ŧ	30
b. Information and Records Management	3	#	3	-1	-1	\$	-	-1	위
Subsolation	1	:	3	 1	- i	240	- -1	 !	250
Total, INS	=	=	1,222	0	3	4,059	54	3	5,281
Office of Special Counsel			3,000						3,000
Total	7	±	4,222	5	2	4,059	2	8	8,281

<u>Reprogrammings.</u> The reprogramming of positions, workyears, and budget authority reflects the effect of the reprogramming notification submitted to the Congress on December 28, 1992.

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Immicration and Networksation Service

immicration Legalization

nmery of Regularments Solders in thousends)

		1963 Appropriation	1
Unappropriated balance, start-of-year	\$28,503	613,947	20'00
Total evaluate for appropriation	18, 187 17, 187 18, 287	5 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Objections by program Entercement: Investigations. Inselfgence. Authorst.	8 H 6	\$ ₁ 8	: 1 :
Ottomerty and Benefits: Adjustments and Naturalization	190'6	į	86 ,
Immigration Support: Dea and Communications Information and Records Management. Construction and Engineering	257.1 190.1 14.4.1	88:	: g : :
Total chilgatora, 148	75.57	į	¥ ₹
Obligations, Office of Special Courses.	9006	9,000	8
Town obligations.	17,137	187.0	2248

Note: The President's budget estimates receipts of \$2,042,000 in 1994 based on the assumption that additional case fittings will result from decisions currently panding before the Suprema Court.

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immigration and Naturalization Service

immigration Legalgation

Summary of Requirements (Dollars in thousands)

Adjustments to base:										P. 9.	Pos. years	Amount
1993 appropriation anticipated.										.	3	\$8,281
Company (Company Company Compa										:	÷	3
Occurate automatic, non-policy)	МСУ)						***************************************			8	ş	-6,117
										5	=	2,248
1994 baseline										. 5	=	2,248
	1993.	1993 Appropriation Anticipated	iation	66	1994 Baseline	<u> </u>	9	1004 etemperature	-			
	Pe E			Pem.			Pem.			Pe	Perm.	
Courreles by budget activity	8	¥	Amount	8	≩	WY Amount	8	¥	Amount	Pos	¥	Amount
1. Enforcement	:	፥	\$400	:	፧	:	÷	÷	ŧ	:	÷	. :
1. Citizenship and Benefits	23	67	4,641	±	5	\$1,306	7	5	\$1,306	÷	7	:
2. Immigration Support	-	-	240	-	-	2	-	-	2	ŧ	:	:
3. Program Direction	÷	:	Ī	i	:	:	:	÷	Ē	:	:	÷
4. Office of Special Counsel		1	3,000		1	8			8	i		
Total	24	88	8,281	15	#	14 2,248	5	5	2,248	ŧ	7	i

ß

		1993 Appropriation Anticipated	rietion		1994 Been	•	7	1984 Bearing	4	hood	horana/hanasani	
	Perm			6			Pem			E		
Estimates by Program	8	¥	Am.	8	¥	A mt	Ş	¥	Ami.	8	¥	Ę
Investigations	:	:	2	ŧ	÷	:		:	ŧ	:	:	:
Citzenship and Benefits: Adjudications and Naturalization	R	•	2.	2	2	\$1,306	*	5	806,18	:	:	:
Immigration Support: Data and Communications Systems	:	:	8	I	E	:	:	i	ŧ	:	i	:
Information and Records Management	-	-	\$	-	-	3	-	-	4	:	:	:
Intelligence	፥	:	:	፥	:	i	፥	:	:	፥	:	፥
Construction and Engineering	:	•	:	፥	:	Ξ	:	:	:	:	፥	:
Legal Proceedings. Subtotal	3	3-1	3	3	3	3	3-	=-	3	3 3	3 3	3 3
Total, INS	æ	3	5,281	, 5	=	¥.	. •	±	*	:	1 :	l :
Office of Special Counsel			3,000	1	1	8		=	8	:	:	1
Total	*	8	8,281	2	2	2,248	5	2	2,248	;	:	:
Total FTE Workyears		2			=			=			: :	
Overtime: Other Total compensable worlysals		912			a) 🍜			a (5			3:	

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	2	H A En	1		THE AREA		5	ij	1	#	1	2	\$	-		Ī	- Carre	1
Saturate by Property	1	Ħ	Ą	A	Ħ	I	1	Ħ	1	[8	Ħ	Į	[8	Ħ	1	ŧ	Ħ	1
Weetlynton	:	ī	:	:	:	82	:	:	Ī	;	÷	:	:	:	;	:	:	;
	1	1	1	1	•	Ä	3	1	1	:	:	:	:	:	: :	: :	: :	:
***************************************	ŧ	:	:	:	•	Ì	ŧ	;	•									
Chivenship and Benefits: Asjudestons and Habsettadon	8	8	\$16,800	8	2	8	2	8	*	2	2		2	22	*	:	7	:
Innerigation Support: Date and Communications Sections					•				1									
Information and Records Management.	: •	: 21	8	; ••	- 2	18	; -	; -	5	<u>:</u> -	; -	: 😝	; –	; -	: 3	: :	: :	: :
Communication and Engineering	;•	; •	<u>.</u>	;•	: 4	<u>.</u>	:	:	ŧ	:	į	:	į	÷	:	;	÷	:
		" Z	12	•••	-8	48	3-	3-	12	3-	1	18	1 -	1-	18	3 :	1:	3 :
Total FRA		2	ž.		ë	14,137	X		5	2	2	1,266	2	2	3	i	7	1
Office of Special Courses	3	3	308	3	1	100	3	1	3	1	3	1	1		=	1	•	1
Total	2	2	17,000	2	Ē	17,137	z		Ē	=	Ŧ	3	2	2	3	i	7	i
Total FTE Workpoint		ş			Ĕ						=			2			÷	
Owntime: Other Total compensable workpress		걺호			95			-2			-2			42			1:	

Immicration and Naturalization Service Immicration Legalization Justification of Progress and Performance Activity Resource Summary (Dollars in Thousands)

Activity: Enforcement

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	A	Appropr	14cion	198	1994 Baselin	eline.	7	1994 Betimeto	isste	Incre	ed/ear	ZKOAKO.	
	208.		WX Amount	100	Ħ	MX Amount	Poli	¥	Pos. W Amount	Post	걸	Amount	
gations	:	:	00+\$:	:	:	:	:	:	:	:	:	

LONG-RANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States) identify haw violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and intiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

HAJOR OBJECTIVES:

Investigate, prosecute and deter arrangers, facilitators and saugglers who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

MASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the case investigated involve violators associated with large-scale, highly organizaterized criminal since associated with large-scale, highly organizate interpretations. Quite often, these criminal alian organizations are simultaneously engaged for other illegal activities such as racksteering, alien sampgaling, counterfeiting, prostitution, official corruption, nerceities, weapons traffiching and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious survaillance, as well as undercover and task force operations. Other major cases investigated involve individual aliens who entered the United Operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Investigations often require the service of subpoense and search warrants to obtain evidence.

ACCOMPLISHMENTS AND HORKLOAD: The focus of the Investigations program with regard to Immigration Legalization activities is the detection and deterrence of fraud through apecial task force operations. The principal goal of the Fraud Program is to discourage liberal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting complex criminal organizations involved in immigration fraud for criminal promecution. One investigation recently completed by INS resulted in the dismantling of one of the largest counterfeit

document manufacturing and distribution organisations in IMS history. As a result of this investigation, the IMS select 250,000 fraudulent documents valued at over \$7 million, two printing presess, counterfelt currency, and handguns. IMS is continuing to pursue investigations targeting counterfelt document manufacturers and vendors.

Activity: Citizenship and Benefits

	1993	1993 Appropriation Anticipated	rietion	199	4	ealine.	199	111	arte	Increase/Degrass	7788	PEKERBE	
	For	Ħ	Pos. MX Amount	To.	걸	POS. WX AMOUNT	Post	Ħ	Pos. WX Assunt	Pos. MX Amount	뉰	Amount	
Adjudications 6 Naturalisation	23	67	23 67 \$4,641	::	=	13 14 \$1,306	14 12	12	\$1,3061	:	7	:	

LONG RANGE GOAL: To receive, process, review and subject to final action all applications and appeals related to denied applications submitted for temporary and permanent resident status under the Immigration Legalization program, authorized by the Immigration Reform and Control Act of 1986, P.L. 99-603, Title II, Sections 201-204.

MAJOR OBJECTIVES:

Complete processing of appellate and residual cases.

ACCOMPLISHMENTS AND WORKLOND: The processing of applications for permanent resident status will, with the exception of a few residual cases, be completed in 1993. Processing of appeals of denials will continue into 1994. Total resources of 14 posttions, 14 workysaxs and \$1,349,000 are required in 1994 to process actions on appeals of denials.

The workload for the Immigration Legalization program is presented in the following table:

Item	1881	1992	1993	1994
Applicants adjusted to temporary resident status	24,084	13,065	8,426	:
Applications pending for temporary resident status	18,884	10,644	•	:
Applicants for permanent resident status	216,545	40,428	87,702	:
Applicant adjusted to permanent resident status	119,096	32,331	65,371	:
Appeals completed	2,974	4,250	4,250	4,250
Appeals pending	10,507	10,000	8,750	4,500

<u>Explanation</u> Workload figures are based on planning assumptions which take into consideration the completion of the residual workload resulting from the deadline extension imposed by the immigration Act of 1990.

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PROGRAM CHANGES:

The Adjudications and Maturalisation program will absorb a reduction of one workyear to meet targeted staffing levels of the Administration.

Activity: Immigration Support

	1993	Appro	1993 Appropriation Anticipated	7	24 PA	1994 Baseline	199	1 66	Leate		d/sau	CKGABO
	Pera.	Perm. Pos. MX	Ancunt	Porm.	벌	Porm. Pos. WX Amount	Porm.	궠	Perm. Pos. W. Amount		걸	Porm. Pos. MX Amount
Data & Communications	:	:	\$200	:	:	:	:	:	:	:	:	:
Management	-	-	\$	-	-	\$45	-	~	842	:	:	:
Engineering	:	:	:	:	:	:	:	:	:	:	:	:
Legal Proceedings Total	1-	‡ -	240	‡- ‡-	‡-	計	‡ -	} -	‡	1:	1:	1 :
	1993	Approp	1993 Appropriation Anticipated	199	7	1994 Banelline	1994	Ret	1994 Entimate	Increase/Decrease	oe/Jec	
	Perm.	異	Amount	Pern.	耸	Perm. Pos. MX Asount	Perm. Pos. WX Amount	벍	Mount	Porn. Pos. W. Assunt	벑	Amount
Data & Communications	:	:	\$200	:	:	:	:	:	:	:	:	:

LONG-RANCE COAL: To establish and maintain automated and electronic technical support to increase the efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID varification system.

MAJOR OBJECTIVES:

Provide high speed data and communications systems support for the various offices to support the application receipt, review and decision making processes.

Integrate the Legalisation Applications Processing System (LAPS) into the Computer Linked Applications Information Management System (CLAIMS) as part of the phase down of the Legalisation Program.

Improve the quality, reliability, interconnection, maintenance, and upgrade the accessibility of existing database systems.

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Mardware maintenance support was provided for all Legalisation Offices and Regional Processing Facilities.

Provide an effective maintenance program and equipment replacement and upgrade schedule to ensure effective continuity of operation of data, communications and electronics capabilities.

Provide office automation support for word processing, local tracking analysis, and electronic mail.

<u>ACCOMPLISHMENTS AND NORKLOAD</u>: The software already developed and in operation to support the program was monitored and maintained for continued use in the Legalization program and the Family Unity Program.

LAPS will continue to operate through the end of the program, including any additional period that may be required as a result of pending litigation. As part of the phase down, LAPS will be integrated into CLAINS. As the Legalization Offices are closed and operations moved, additional re-engineering of circuits will be carried out as a planned part of the phase down.

	1993	1993 Appropria	priation ated	87	94 BA	1994 Baseline	1994	1	BATE	Ingresse/Decre	SMQ/W	CEARS.
	100 E	뇈	Pos. W. Amount	1 00	걸	Pos. MX Amount	102 102	설	Post. MX Amount	POS. WX AMOUNT	Ħ	herount
Information & Records Management	٦	-	\$40		~	\$	-	4	\$42	:		:

LONG-PANGE GOALS: To provide information in a timely and professional manner to the public and government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including the provisions and initiatives in the Immigration Reform and Control Act (IRCA). Administer Servicewide Information Services and America in the Immigration Reform and Control Act (IRCA). Administer Servicewide Information services and Records programs designed to provision support to INS's operating components and other United States law enforcement agencies, as well as State and local governments seeking the status of aliens date generated by INS information and Nationality Act. Ensure the reliability of automated and menual life cycle of records and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of date integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform correspondence throughout INS.

MAJOR OBJECTIVES:

Provide reliable and accurate information and records support for the various offices so that information needed for the review of legalization applications is correct and provided in such a way that processing is expedited.

Salah Salah

Ensure Servicewide compliance with the Preedom of Information and Privacy Acts (FOIA/PA).

Respond to information and status requests from the public, IMS operating components, state and local governments, law enforcement agencies, and other Federal governments, law enforcement agencies.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, processing and retrieval.

Ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases. Establish and maintain liaison with Federal and state agencies, and national and international organisations involved in the collection and/or analysis of immigration related statistics.

ACCOMPLISHMENTS AND WORKLOAD:

The major workload items for the Information and Records Management program are presented in the following table:

Item	1991	1992	1993 Bet imates 1994	1994
Alien files opened	43,476	:	:	:
General searches completed	236,471	:	:	:
Information services inquiries	491,236	286, 334	:	:

Explanation

The Information and Records Management Program provided essential support for the Legalisation program. Records personnel provided contract administration for data entry and records support at the processing facilities. The contract continued into 1991 and included antivities related to the transition period during which the Regional Processing Facilities were combined with the Service Centers that support engoing adjudications processing.

The "800" Telephone Information System was maintained and upgraded as needed to provide callers with timely and accurate information concerning major phases of the program. In 1992, 493,639 "800" system contacts were made.

A significant number of Freedom of Information Act/Privacy Act (FOIA/PA) requests have been processed for the Legalization program. In 1992, 15,210 POIA/PA requests were processed. The statutory restrictions on the disclosure of legalization records result in FOIA/PA requests being denied. Denied FOIA/PA requests result in action being appealed. The processing of applicants for permanent resident status will be completed in 1993. Appeals of denials will nontinue into 1993 and 1994. The Information and Records Management program will complete any work related to application processing and appeals using limited resources allocated to the program under the Immigration Legalization Account.

the resources in the program in 1993 and 1994 provide records support for the Legalization Appeals Unit.

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immigration and Naturalization Service immigration Legalization Detail of Permanent Positions by Category Fiscal Years 1992 -- 1994

	1992	1993	1991
Category	Authorized	Appropriation Anticipated	Estrate
A COOK	6		
Contact Representative (962).	4 60	: -	: -
Immigration Examiners (1801)	8	23	7
General Administrative and Cierical (300-399).	•	•	1
Total	26	24	16
Washington	8	8	15
U.S. Field.	*	4	•
Total	28	24	16

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Immigration and Naturalization Service

immigration Legalization

Summary of Change (Dollars in thousands)

Amount

Work -

1963 as enacted.	8	\$8,281
Mandatory increases: Within – Grade Increase. Heath Republic	:	8 8
General Pricing Level Adjustments. Total, mandatory increases	: 11:	: –₁ 2
Decreases: Nonrecurring decreases	2	-6,117
1994 Baseline	7	2,248

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Immigration and Naturalization Service

immigration Legalization Autilization of Adjustments to the Base (Doters in thousands)

	Work-	Amount	
Mandahory Increses:			
 Within-Grade increases. This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year employee abon raises, and career ladder series to reflect promotion policy for each occuration. The request includes 847 000 for pay and \$15,000 for payments. 	•	2	
Health Benefits The Federal Employees Health Benefits Act (P. L. 83 - 246) provided that the Government's share of health insurance would be 60 percent of the holds to health insurance would be 60 percent of the holds to some neighbors. The requested increase of \$21,000 provides hands for solutioned from pay period 2 to new period 3 of 1862 producted for a hid west.	:	E.	
General Pricing Level Adjustments. This request applies OMB pricing guidance as of June 9, 1982, to selected expense categories. The increased costs identified. This request applies OMB pricing guidance as of June 9, 1982, to selected expense categories. The increased costs identified establishing a factor of 3,1 percent against those subobject classes where the prices that the Government pays are established through the market system insead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the prices sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1994 setmess.	I	-	87
Total uncontrollable increases	:	12	
Decreases (Ausmalite non-policy): 1. Reduction in temporary resources provided in 1963 for appeals proceeding. This reduction removes resources which were provided on a temporary basis in 1963 for the purpose of proceeding appeals filled by individuals whose applications under the immigration Logalization Program had been denied.	\$	16,017	
Reduction in support required by the Office of Special Coursel for Immigration Related Discrimination Resources allocated to the Office of Special Coursel are decreased by \$2,100,000 in order to continue funding the operations of the Legalization Appeats Unit.	ï	-2,100	
Total decresses	취	-6.117	
Total advancements to the base	ş	589°9-	

Immigration and Neivrekzeton Service Immigration Legalization Summary of Requirements by Grade and Object Class (Dollers in thousands)

	1992 Actual	a to	1993 Approprietion Anticipated	opriation	1994 Reguest	# end 1	increase/Decrease	Jeans as e
Grades and selary ranges	Position & Workveare	Amount	Postton & Workyears	Amount	Postton & Workyears	Ameunt	Postion & Workyeara	Ameun
QS/QM-14, \$56,627-73,619	~		~		~		Ξ	
08-11, \$33,623-43,712,	:		:		:		:	
05-9, \$27,769-36,123	50		=		2		•	
G8-7, \$22,717-29,630	•		•		•		•	
·Total, positions	25	\$823	24	\$821	16	3	9-	-280
Pay above stated annual rates	:	•	:	~	;	:	:	1
Lapses	23	725	:	:	-	8	?	3
Savings due to lower pay scales for part of year	•	Ť	:	YO I	:	:	•	•
Net full-time permenent.	9	1,546	77	95	5	475		-343
Other than permanent:								
Temporary employment	•	2,123	Ŧ	1,795	:	:	77	-1,785
Other personnel compensation:								
Overtime	₹.	649	2	592	•	2	7	28.
Special personal services payments	:	8	:	:	:	:	:	i
Total, workyears and personnel compensation	163	4,376	4	3,205	=	474	9	-2,631
Average G8/GM seletyAverage G8/GM grade		(\$32,820) (9.5)		(634,083)		(\$36,834) (***)		

immistrekon, end Netvrektekon Bennse Immistrekon, Lasaktekon. Bummarr of Resultrementa by Grede end Object Gless (Dollare in thousands)

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		1 WAS ACTUA	200	Ammorpaced	2		36	Incresse/Degresse	Degrego
ō	Doject Class	Workyeers	Amount	Workyeers	ATIONAL	Workyeers	Amount	Workyeare	Amount
=	1.1 Full-time permanent		81,546	55	200	5	2	-	223-
Ξ	11.3 Other than permanent.	=	2.123	ŧ	1.786	;		Ŧ	-1.785
=	11.5 Other personnel compensation	*	676	•	285	•	8	+	-383
=	11.8 Special personnel services payments		2	:	i	:	:	i	:
	Total, workyears and personnel compensation.	163	4,378	1.0	3,206	=	674	69-	-2,831
~	Personnel benefite		9.6		7		272		-471
2		-	8		:		:		:
2	•		2		9		<u>\$</u>		-200
22	Transportation of things.		2		8		:		2
23.1			1,528		126		126		:
2	23.2 Rental payments to others		2		8		;		3
23	23.3 Communications, utilities and miscellaneous								
	ohargo b		111		5		\$		3
2	_		<u>~</u>		2		:		9-
8	_		900		3.4		2		-2,800
Z	•		33		2		+		Ŧ
ä	Equipment				8		i		2
4	Insurance claims and indemnities		-23		:		:		ŧ
		3	17,137	44	9,201	2	2,240	8-	-6,003
Ž	Relation of obligations to outlays:								
ř	Total obligations		17,137		6,281		2,246		
₹	Adjustments in unexpired accounts				:		:		
_	Outays		17,137		9,261		2,2 4		

Item Item Summary Statement Summary of Requirements Summary of Regiments Summary of Regiments Summary of Regiments Inspections Inspections Inspections Institution and Deportation Detention and Records Nanagement Training Institution and Records Nanagement Construction and Reqimenting Inspection and Regimenting Nanagement and Administration Friction and Regiments Summary of Change Summary of Change Summary of Requirements to the Same Summary of Requirements by Grade and Object Class

Immigration and Maturalization Service

Immigration User Fee Account

Summary Statement

Piscal Year 1994

The Immigration and Maturalisation Service is requesting \$255,016,000, 2,761 positions and 2,817 workyears for 1994 to provide immigration inspection services at air and sea ports-of-entry. The cost of this program is to be paid from fees collected from individuals arriving in the United States aboard commercial aircraft or vessels from foreign locations.

The Immigration User Fee Account was established in the 1987 Appropriations Act for the Department of Justice, (P.L. 99-591). Section 205 of the law directed the Attorney General, effective December 1, 1986, to charge and collect a \$5.00 user fee from each Individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada and the adjacent islands). In the 1991 Appropriations Act, the Congress removed the fee exemption for Canada, Mexico and the contiguous territories, and placed a 45-minute immigration inspection randard at air ports of ferminy. All fees are to be deposited in an immigration aircraft and vessels; administer debt collection activities, including the establishment and operation of a National Collections office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and see passengers traveling to the United States; detain and deport accludable aliens arriving on commercial aircraft and vessels, and provide necessary support for operations to assure that the objectives of the programs are achieved.

e total program enhancement request for the Immigration User Pse Account for 1994 is 164 positions, workyears and 58,792,000. The program details of this request are described below.

Inspections Program

The 1994 request includes 134 positions, 67 workyears and \$6,178,000 to advance efforts to meet the 45-minute standard established by Congress in the 1991 Appropriations Act for the Department of Justice. In meeting this standard, 188 will improve-service to the traveling public and eliminate most immigration processing delays at major alropers. This increase in staffing will also have a positive impact on international relations and international relations and international commerce by expediting entry into this country for foreign visitors and business persons.

Detention and Deportation

The 1994 request includes 30 positions, 30 workyears and \$2,614,000. Of this amount, \$1,227,000 is requested to staff a new 300-bed contract facility to come on-line in New York, and \$1,387,000 is requested for additional atlan travel, detention and welfare funds to support 47 non-Service bedspaces scheduled to come on-line in the Los Angeles area in 1994.

	26 E	1993 President's Budget Reguest	- 4	æ	Reprogrammings		Adjustment in Wortspears	1983 Appre	prietton Ac	Scipete
Activity(Program	200	¥	¥	8	×.	¥	¥	ž	**	Amt
1. Entorcement a financetions	2.173	2.175	8143,654	:	ž		<i>u</i> -	2,173	2,272	\$152,485
b imestications	8	8	1.414	4	÷		:	8	8	7
c. Anti-Savoding.	27	23	1,979	-27	-27	-1,978	:	= 1	= !	:
d. Detention & Deportation	137	137	31,007	:	:	0 9 9	i	7	4	27,807
	7 S	R	178,863	38	4 3	5 5 5	36-	% %	218	
2. Officenship and Benefits a. International Affairs & Outreach	:	:	*	ŧ	ì	;	ŧ	ŧ	i	2
3. Immigration Support	•	•	ē	8	7	125	;	8		282
to Date & Communications	9 5	. 8	28 520	1	;	88	: :	5	R	28,88
o information & Records Mondosment.	; :	;	1	8	8	1.410	:	8	*	 E
d Construction & Engineering	~	~	2	:	:	÷	i	~	~	Ž.
e. Field Management and Support	₹	•	Z	7	7	2	:	* ;	: 1	:
f. Legal Proceedings	rie Rie	83	31,507	32	13	3,017	8 :	ĸž	ŲŽ	28 280 28 280
4. Program Direction	•	•	2	ņ	7	~ Ę	1	:	, •	ŧ
b. Administrative Bentose	8	8	4.277	\$	8	-4277	3	:	ŧ	i
c. Management and Administration	38	38	38	21	8 1	35	# :	rr	RI2	33
Total	2,516	2.516	218,862	5	ž	20.70	u-	2,887	2	340,946

Pagespinnings. The reprogramming of positions and budget authority reflects the permanent effect of the notification authorities to the Congress on February 18, 1992. Adjustments In Workspan. The workyear level in 1993 reflects a lower antiopased level of useage.

Section 1995 Control of the Control

1994 Entrante		977'888 87'888	647,101 647,124 647,124 647,124 641,488	i		
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		Congellent, man amen man man man man man man man man man ma	Properties In the second control of the seco	Othership and Bunche: International Afairs and Outsook	Transfer of Committee of Commit	Management and Administration

This amount ambides resolvables of 040,254,050 reported to the U.A. Treasury as of Beptumber 59, 1986.
This eathful centries data on 1504 obligations within convex data presented in the President's bridget.

Immigration and Networkstation Service Immigration User Fee. Burnary of Peculoments

Adjustments to the trans:										P. P.	Work-	Amount
Ì						***************************************	***************************************	1	***************************************	2,567	2,863	#2,04S#
Mandatory transment	***************************************	***************************************	***************************************	***************************************	4.447	***************************************	***************************************	***************************************	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	:	•	550
Adjustment in wardypers	***************************************		***************************************			***************************************			***************************************	:	R	Ŧ ;
Annualization of positions contr	atreed to the	300	dget reques	***************************************		ished in the 1980 budget request				:	~	
Newcouring sold of equipment and bedgevord twodigations for new positions approved in 1970		Puned	reselpstor.	s for new po	Hors app	prest and background investigations for new positions approved in 1992			***************************************	2,887	2,720	200
	1		***************************************			***************************************		-	***************************************	2/87	2,720	24.22
	<u> </u>		§ _	7	Page 1	•	=	804 Estimat		2	horesee/Decrees	2
Extractes by Justines arthity	1	¥	Amend	£ \$	¥	Amount	£ 2	¥	Amend	Ė	Ħ	Armount
1. Entererr ent	2,488	25	8188,808	2,400	2,500	\$20,10E#	2,567	2	818,8088	Ĭ	•	3
2. Otherwish and Benefit.	i	i	Ħ	3	;	:		:	i	i	i	i
2. Innignation Engport	ž	Ē	38,880	ž	Ē	786,887	ž	Ē	38,357	i	i	i
4. Program Charless	2	2	3	2	2	8	2	2	888	1	E	1
		3	į		2	į	Ř	2		Ĭ	\$	Ş

Immigration Detural action Service Immigration User Fee

	2	983 Appropriation	lation							٠	•		
		Anticipated	70		1994 Base	•		1904 Baseline	2	200	increase/Decrease	200	
	Perm			E.			Perm.			Ē			
Estimates by program	å	¥	Amount	P0.	¥	Amount	Pos	¥	Amount	90	≩I	Amount	
Enforcement	2178	2272	8152.485	2.173	2.299	\$155,585	2,173	2,299	\$155,585	:	:	:	
formed and and an	2	8	4.895	8	69	5,026	8	8	5,026	:	•	:	
Detention & Deportution	13.7	137	37,607	137	137	36,534	137	13/	36.634	3	3	3	
Buttotal	2,379	2,478	194,967	2,379	2,505	199,145	2,379	2,505	199,146	:	:	:	
Ottzenship and Benefits: International Affairs & Outreach	ì	:	522	ŧ	:	ŧ	; ;	: 1	i	1	:	1	
Immigration Support	S	8	2.962	8	8	3,052	8	8	3,052	÷	:	:	
Date & Comments allows Sections	3 =	8	28.850	5	5	29,625	5	5	29,625	ŧ	;	:	
Lights & Commission of commercial	8	3	1.419	8	8	1,551	8	33	1,551	:	:	:	
Indefinence	72	2	1851	*	7	1.879	5	*	1,679	:	÷	:	
Construction & Engineering	~	~	128	œ	~	126	æ	~	22	:	Ξ	:	
1 and Proceedings	28	*	1.837	2	S	1,961	2	2	18	E	3	3	
	Ī	15	37,114	3	-	36,216	<u> </u>	2	38,218	ŧ	:	:	
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Management and Administration		21	90	2 507	2 2 2 2 2 2 3 2	246 224	2.507	7 12 12 12	ž Ž	i :	1 :	1 :	

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Citizenship and Benefits, international Affairs & Outreach	I	i	£	:	٠	•			£	•	i	i	,	I	:	1	:	ŧ
Institution Bupport Training. Data & Communications Systems	22	22	1,677	22	28	# # E	8 =	2 2	2 00 2 00 2 00 2 00 2 00 2 00 2 00 2 00	85	2 5	2 E	85	2 =	7 E	٠.		; •
Internation & Records Management, Construction & Engineering, Legal Processings.	8~# <u>\$</u>	= ~ 22	2 z 3 3 5	x ~ 68	cz	3 to 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	x~ož	# ~ # <u>=</u>	25 55 55 55 55 55 55 55 55 55 55 55 55 55	x - cī	x ~ 85	8 E E E	x ~ & ¥	# ~ & ē	8 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	• • •	4 .) : 4 ·
Propain Direction Management and Administration Obligations from fore	2	81 2	31	218	8:2	27.28 88.00	51 6 8.	외호		지층	218	31	RIĘ Z	2	A.010	13	**	3.5
Observations from from			:			4			12.800			13,40			ŭ.	:		
Test subplient.	3	3	M (112	3	2	200.348	2,987	5 5 5	2	2,967	2,720	180,000	2,73	2.817	¥	Ĭ	•	*
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Immigration and Maturalization Service Immigration User Fee Account Justification of Progress and Performance Activity Resource Sugmenty (Dollars in Thousands)

Activity: Enforcement

1993 Appropriation

	4	TT CT DET			994 Bas	-	1884		9	IDCK		CKELLE
	Perm.			Perm.			Pera.					
	POEL	Ħ	Ros. Mr. Amount	Poe	Ħ	Amount	Poe	벌	Pos. MX Amount Pos. MX Amount	1	보	Pos. NX Amount
Inspections 2,173 2,272 \$152,485 2,173 2,299 \$155,585 2,307 2,366 \$161,763 134 67 \$6,178 Investigations 69 69 69 5,026	2,173	2,272	\$152,485 4,895	2,173	2,299	\$155,585 5,026	2,307	2,366	\$161,763 5,026	134	5 :	\$6,178
Detention and Deportation 137 137 Intelligence 24 24	137	137	37,607 137 137 38,534 167 167 41,148 30 30 2,614 1.821 24 24 1.879 24 24 1.879	137	137	38,534	167	167	41,148	8	8	2,614
Total	2,403	2,502	196,808	2,403	2,529	201,024	2,567	2,626	209,816	164	6	8,792
This budget activity contains resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons through air and sea ports-of-entry. This activity includes inspecting applicants for admission, investigating alien senggling and imagingstion fraud schemes, detaining and deporting illed alienu, and to schemifically examine and analyze documents to sealed in the identification.	containing of for ad	ne resov qualifi mission nd to so	arces dedicated persons investigations	throug ting al	both p	reventing and sea ggling and analyse	illegal ports-of fimmigra document	entry entry ation f	into the This raud sche	United activitions, de-	State taini taini ntific	se and cludes ng and cation

This budget activity contains resources facilitating the entry of qualified pinspecting applicants for admission, investing illegal alienu, and to solvit of aliens attempting fraudulent entry.

LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the Mational interest, facilitate the entry of qualified applicants; identify and deny admission to these not qualified, and provide support to the Adjudications and Maturalisation program by approving or denying applications and petitions for benefits that are sent to pirts-of-entry for remote adjudication during inspector standby time.

MAJOR OBJECTIVES:

Inspect, in cooperation with other Federal agencies, all applicants for admission into the United States at air and see ports-of-entry. A 45-minute standard for primary inspection has been established at major international airports.

Retiente

Pacilitate the entry of qualified persons through air and sea ports-of-entry.

Prevent the entry of inadmissible applicants through air and sea ports-of-entry.

Detent fraudulent documents including those representing false claims to U.S. citisenship or permanent residence status used for illegal entry.

Adjudicate applications and petitions at ports-of-entry in order to efficiently utilize inspector standby time

nationality laws with respect to the inspection of all persons seeking admission into the United States. Applicants for admission into the United States are inspected at ports-of-entry to determine if they quality for admission, and into the United States are inspected at ports-of-entry to determine if they quality for admission, and into the United States. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of insdmissibility is based on examination of the applicant, related documents or prior information. Local and Mational lookout systems containing information relating to excludable aliens are available for use at seath port of entry. Informalisable aliens are denied entry into the United States. Any oriminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the imangeration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak

<u>ACCOMPLIBHENTS AND MORKLOAD</u>: Accomplishments of the Inspections program are presented in the following table:

Item		1221		7887		1993			1993
Persons Inspected - User Pes		56,270,056 88,305		93,000,000		62,000,000		68,	65,000,000
PROGRAM CHANGES:	199	4 Base	Ane	199	at total		Incre	ed/ea	CKRARA.
	Post	Ħ	POR. MX Amount	Pos.	Ħ	Pos. MX Assunt	Poer	Ħ	Poe. NX Amount
Inspections	2,173	2,299	\$155,585	2,307	2,366	2,173 2,299 \$155,585 2,307 2,366 \$161,763 134 67 \$6,178	134	67	\$6,178
an increase of 114 societies 41 continues and 66 116 000 to contested to averand attends to the standard and	1000	3.00	200	A Paten	, banan	transft the	4094	4	

An increase of 134 positions, 67 workyears, and \$6,178,000 is requested to expand airport inspections staffing.

To continue to process arrivals at major international airports within the 45-minute standard, INB must continually monitor its airport staffing requirements. The Service's operation of the major airport facilities under the Immigration of setaffing resources commensurate with the Congressional conditions that have been placed on the account. Primary among these is the general requirement to fully facilitate the arrival of all passengers at the major international gateways, and specifically, to process flights through primary inspection within 45 minutes. Resource levels for airports are now based on the first phase of a complex staffing model developed to quantify resource levels needed to meet all operational parameters. The model has quantified the need for a total authorized staff of 2,307 for 1994, an increase of 134 over the anticipated 1993 level of 2,773. This increase would be allocated to both offset moderate

to target dedicated positions to airports undergoing These resources assume no expansion of preinspection nationwide traffic growth at major locations, and allow INS extensive facilities expansion, such as Chicago and Miami. ? operations in 1994. The primary benefit accruing from the addition of new airport officers is the reduction in public waiting time for inspection through maintenance of the 45-minute standard. Currently, at some of the larger international gateways, deplaning passengers face delays in clearing the INS primary booth area. Although the authorized staff dedicated to user fee inspections has grown appreciably since 1986, the rise in international air traffic continues to place heavy demands on the inspections function. A secondary benefit of the additional staffing will be an improved ability on the part of INS to dedicate additional officer time to enforcement performance in the secondary inspections area. The extenting demands of primary processing often force the use of all available officer time to clearing arrivals through the primary inspections area. Less than optimal time is therefore available of more comprehensive acreening of applicants referred to secondary inspection. Increased therefore available for more comprehensive acreening of applicants referred to secondary inspection. Increased staffing, will permit the Service to meet the standard in all but the exceptional cases in which peaking of flights or physical constraints related to facility design prevent the achievement of the standard.

Increase/Decrease Perm.	Pos. MX Amount
nate	Amount \$5,026
d Beth	¥69
Perm.	Poe. 69
el ine	Amount \$5,026
24 Bas	¥69
2	Pos. 69
riation	Amount \$4,895
Approp	¥69
Perm.	POB
	vestigations

LONG-RANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

MAJOR OBJECTIVE: Program arrangers, facilitators and smugglers who conspire with, and assist aliens to fraudulently brosscute and deter arrangers, facilitators and sea ports-obtain immigration benefits or perpetrate major fraud schemes associated with international air and sea ports-of-entry.

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities associated with international air and sea travel. Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings associated with international air and sea ports-of-entry. BASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly-organized criminal conspirations are simultaneously engaged in other directions activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, marcotics, weapons trafficking and extortion on an international scale. Special Agents identify

these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and take fore operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Investigations often require the service of subpoens and search warrants to obtain evidence.

ACCONPILEMENTS AND MORELOAD: Accomplishments of the program are presented in the following table:

Itan	1991	7887	1993	1924
Deportable Alians Apprehended	1,200	1,170	1,774	1,774
Kraug Cases Completed Cases Completed per Workyear	116	168 6.6	1149 6.52 6.52	149 942 6.62
Emucoling Case Completed	5 59 59	113 116 10.3	132 99 8.0	993

The focus of the Investigations program with regard to the Immigration User Fee activities reflects one of the basic enforcement priorities of the Immigration and Naturalization Service: detection and deterrence of fraud and emuggling.

The principal goal of the Fraud program is to discourage illegal immigration through fraud, and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting complex criminal organizations involved in immigration fraud. One investigation recently completed by INS resulted in the dismantling of one of the largest counterfelt document manufacturing and distribution organizations in INS history. As a result of this investigation, the INS seized 250,000 fraudulent documents valued at over \$7 million, two printing preses, counterfelt document manufacturers and vandors, the 1990 enactment of Section 244A of the Act, Temporary Protected Status efforts to include this expanding arens of fraudulent immigration activity.

A San Francisco investigation which began in January 1991, resulted in the indictment of a counterfeit document vendor for violations of 18 USC 1028(a)(2) Transfer and Aiding and Abetting the Transfer of Fraudulent U.S. Identity Documents. This investigation was initiated when an alien attempted to enter the United States at San Francisco International Airport by presenting a high quality counterfeit Alien Registration Receipt Card (I-551). A subsequent investigation determined that the document wendor soid counterfeit documents while employed by Catholic Social Services (CSS) in Bakerefield, California as an immigration consultant.

Sauggling cases typically involve the investigation of major international alien sauggling and criminal organizations. The past year portends even greater worldwide activity. Cases have shown extensive networks used to move aliens via circuitous routes to reach an end destination. In one particularly broad reaching case,

aliens were smuggled into Canada, across Canada, into the U.S., and across the U.S. to a final destination where they received genuine amnesty documents through an elaborate fraudulent document scheme. Over 500 aliens benefitted from the operation.

In the past year, alien smuggling by sea has increased dramatically. Smugglers have become increasingly aware of the advantage associated with smuggling by sea rather than air. Hundreds of likese aliens have been transported to the United States in the holds of commercial itshing vessels. The Investigations program has responded aggressively by seizing four ships, arresting 20 smugglers, and apprehending 363 Chinese aliens.

Pos. MX Amount Pos. MX Amount Pos. MX Amount Pos. MX Amount is and it is a same of sam		Perm.		ration	Perm.	1994 Baseling	- Surra	Perm.	1994 Ketimate.	BAte	Increase/Deck	d/ear	PCKGADO
\$37,607 137 137 \$38,534 167 167 \$41,148 30	P 04	Pol		Amount	Pos	덬	Amount	Por	걸	Amount	Pos	벍	Amount
	t lon	137	137	\$37,607	137	137		167	167	\$41,1	30	30	\$2,614

LONG-RANGE GOLD: To detain, until ready for removal, alien passengers who are subject to exclusion proceedings before an immigration judge, and who are likely to abscond or represent a danger to public safety and security.

MAJOR OBJECTIVES: To provide for the safe and secure detention of alien passengers under exclusion proceedings in custody for a hearing before an immigration judge.

BASE DESCRIPTION: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the desention, exclusion, explained, premoval, parcols and deportation of aliens. Service and non-service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would represent a deportation or exclusion proceedings who are likely to abscond or whose freedom at large would represent a system of controls afety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

ACCOMPILIBINIES AND WORKLOAD! Accomplishments of the Detention and Deportation program are presented in the following table:

Item	1881	1992	1993	Setimate 1994
Aliens Detained Number of Detention Days Average Stay in Detention (Days)	10,940	10,834	9,851 374,350 38	12,462
	6/4/08	000'40	000 148	000 196

*Reflects the 300 bed facility coming on-line in New York in early 1994, and the addition of the 47 beds in Los Angeles included in this request.

Depending upon the availability of resources, the Detention and Deportation program locates available space in local jails, hotels, motels, and contract detention facilities to house aliens in exclusion proceedings in the major metropolitan areas and detains those aliens until the completion of their cases.

ROORAM CHANGES:	Perm.	1994 Basalin	Tine	Perm.	1994 Estimate	MES	Ingress/Degress Perm.	20/se	KRABA.
stention and Deportation	137	13 <u>E</u>	137 137 \$38,534	167 167	žķ	202. WX Amount 167 167 \$41,148	age of	걸음 .	82,614

The total program enhancement request for the Detention and Deportation program for 1994 is 30 positions, 30 workyears and \$2,614,000. The details of this request are described below.

<u>AIDEM</u> An increase of \$1,387,000 is requested for increased Alien Travel, Detention and Welfare (AIDEM) that will is in increase of \$1,387,000 is requested to support 47 non-Service bedapaces scheduled to come on-line in the Los Angeles area in 1994.

In FY 1991, approximately 88,000 inadmissible aliens were intercepted at air and sea ports. Of these, an estimated 31,000 aliens withdrew their applications for admission and were returned by the carriers. Some of these required a short period of detention while transportation arrangements were made. Of the 88,000, approximately 57,000 were alien crewmen who were denied admission and detained on-board their vessel.

In addition to the 88,000 aliens referred to above, 17,300 aliens were placed in exclusion proceedings. Some of these were admitted to detention facilities and remained there until a decision was rendered in their case, but others were either never detained or released after a short stay due to a lack of detention space. In addition, some aliens whose impection was deferred for the purpose of filing an asylum claim also represent potential workload for the Detention and Depotration program; if detention apace is available, they may be detained because of their likelihood to abscond.

Comparatively, the number of exclusions was very small, 611 persons in FY 1991. There are many reasons why the number of exclusions is significantly smaller than the number of persons placed in exclusion proceedings. The primary reason is that unless these aliens remain in Service custody, most abscond. The estimate of detention days requested in this submission is premised on the assumption that these aliens must be detained until a final order is issued if any sort of deterrent is to be established.

Inadmissible passengers are using whatever documents they can to board aircraft destined for the United States, knowing that they are likely to be released from Service custody for lack of detention space. The intent of the law is to detain these excludable aliens arriving on commercial aircraft and vessels until their exclusions can be effected. The increase of 47 contract beds for Los Angelses coupled with other initiatives to speed the processing of exclusion cases will provide an acceptable level of deterrence.

An increase of 30 positions, 30 workyears and \$1,227,000 is requested to staff the new facility in the New York City area scheduled to come on-line in early FY 1994. Staffing An increase

detention support the 300-bed User Fee The Detention and Deportation program is requesting 30 positions to facility, located in New York City that is to become operational during 1994. Detention and Deportation are personnel are required for alless transportation to and from hearings, and deportation officers and docket clarks are required to control the deportation docket in order to provide proper control of cases and prompt removal of aliens subsequent to immigration hearings.

1993	1993 Appropriet.	rietion	188	14 Bas	1994 Baseline	1994	Retin	110	Ingresse/Dec	d/es	SKAAES	
Poe.	Ħ	Amount	So	걸	Pos. MX Amount	Poe.	Ħ	Poe. WX Amount	POS. MX. Amount	Ħ	Amount	
 *	75	\$1,821	5	₹.	\$1,879	179 24 24	5	\$1,879 \$1	:	:	:	

LONG-RANGE GOLD: To develop an international immigration intelligence capability for the collection, analysis and disemination of information regarding global migration patterns and trends, and provide meaningful and disemination of arguments on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

MAJOR OBJECTIVES: Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components.

Maintain liaison with appropriate United States and foreign government agencies on immigration and National security matters including the movement of known or suspected international terrorists.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

<u>ACCOMPLISHMENTS AND MORKLOAD:</u> Accomplishments of the Intelligence program are presented in the following table:

inate 1994	1,210
1993	1,210
1992	1,189
1991	1,059
Item	Cases received for examination of fraudulent documents (Air and Sea)

Amount

:

Grass

Activity: Immigration Support

	1993	Approp	1993 Appropriation Anticipated	ST.	Page 2	PATE	est .	4 Bat	aate	Incre	May 7	STRAES
	1	Ħ	Amount	12	벎	Pos. MX Amount	Poe	벍	Pos. WX Menut	Pol. IX becaut	걸	Menus
Training	õ	39	\$2,962	9	53	30 29 83,052	30	53	\$3,052	:	:	:
tions.	31	39		31 31	31	29,628	31	3	29,625	:	:	:
Records Management 36	36	36	1,419	36	36	1,551	36	36	36 1,881		:	:
Engineering 2 2 125	~ ~	7 2	125	22	~ ~	25 23 1.981 25		85	2 128		::	: :
Total	121	E	35,293	121	Ē	36,337		121	36,337	1:	1:	1:
				•								•

This activity includes resources for training of personnel, communications, automated data processing, finid management, legal proceedings, and facilities management.

	1993	1993 Appropriat	intion	1	1 LV		a	L ROLL	1	Ingres	XX()
	100	벑	Por MX Amount	102	Ħ	POBL MX AMOUNT	PORT HX AMOUNT	벌	44	POE. HX A	Ħ
F.G 30	30		29 \$2,962	30	53	30 29 \$3,052	30	39	30 29 \$3,052	:	:

LONG-RANGE GOAL: To establish and maintain an employee development system that meets the needs of management and individual employees and complies with regulatory requirements.

MAINS OFFICE/VE. The CONTROL OF THE DESIGNATION OF A STATEMENT AND ADVANCED TEACHING TEACHING TO THE TRANSPACT OFFICERS, AND DEVELORES, AND DEVELORES, AND DEVELORES, AND DEVELORES, AND DEVELORES, AND DEVELORES, AND DEVELORES. THE IMMIGRATION USER FOR ACTIVITIES.

BASE PROUBLE DESCRIPTION: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new requiations, legislation, or organisation needs.

ACCONPLISHENTE AND WORKLOAD: Accomplishments of the Training program are presented in the following table:

Item	1881	1992	1993	tieate 1994
Workload Productions/Training				
Immigration Officer Basic	576	912	710	462
Tombiactions:	478	30.0	(0)	777

The workload estimate includes training of personnel hired in 1992, but not scheduled for training until 1993.

	An	Licipat		18	24 BAR	eline	185	4 Keti	MALO	Incre	d/es	CKEARR	
	Perm. Pos.	×	Perm. Pos. WX Amount	Perm.	XX	Amount	Porm.	Ħ	Perm. Perm. Perm. Perm. Pos. MX Amount Pos. MX Amount.	Pera.	Ħ	Amount	
ta and Communica- tions	31	5	\$28,850	31	31	\$29,625	31	31	\$29,625				
	1			;									
NG-RANGE GOAL. To establish, improve and maintain automated and electronic technical support to increase the	sstabli 	eh, imp	prove and m	intain	Autom	ated and	lectron	lo ted	ddne lenbu	ort to 1	nores.	se the	

LONG-ENRIE GOLL: To establish, improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of IMS's operational, administrative and managerial functions; provide a comprehensive and coherant framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of IMS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronics equipment and systems required by IMS to support its law enforcement functions; promote the sharing of information with other Federal agencies to caduce the paperwork burden to both the public and IMS; and provide technological guidance in support of all IMS operations.

<u>MAJOR OBJECTIVES:</u> Develop, implement and maintain the Interagency Border Inspection System (IBIS) at air and sea ports-of-entry, based on interagency system plans.

Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quanti-fying and justifying automated data processing (ADP) based systems and databases related to Immigration User Fee programs.

Improve the quality, reliability, interconnection, maintenance, and accessibility of existing database systems related to the Immigration User Fee programs.

Improve the efficiency and effectiveness of voice and data communications related to the Immigration User Fee programs.

13

Provide office automation support for word processing, local tracking, analysis and electronic mail related the Immigration User Fee programs.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities related to the Immigration User Fee programs.

Implement the Information Architecture Study to design and develop improved automated data processing (ADP) based systems and data bases related to programs in the Immigration User Pes Account.

BASE PROGRAM DESCRIPTION: The function of this program is to provide direct support to the Service's operational organisations as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: 1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing? 2) providing for the operation of data and communications networks; and 3) providing radio communications, intrusion detection (sensors), and electronic security equipment and systems.

ACCOMPILENGENTS AND WORKLOAD: Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

1. ADP SYSTEMS

In Systems Planning - The 1994 request represents the seventh year for the IMS automation program as defined
in the Automated Information Systems (AIS) Strategic Plan. An IMS information Architecture study, completed
in 1991, provides a framework for improving, designing and developing agency information systems. A parallel
analyses, the Office Automation and Access project, also completed in 1991, defines the basic platform of
equipment, network, and communication links to support access to and use of automated systems. The Department
of Justice computer centers continue to be the primary facilities for centralised automated data processing for
the Service.

IMS initiated the Personal Workstation Acquisition (PMAC) to procure Office Automation/ and user tier automation platform, the essential underlying technology base that must be implemented in IMS offices to provide access to IMS data bases.

Systems Operation - The Non-Immigrant Information System (NIIS) currently maintains over 90 million records
and supports the Vias Walver program as well as other mission operations and has been expanded to support 250
INS sites. The redesign of NIIS is being accomplished in conjunction with the development of the electronic
Master Alien Record.

The Interagency Border Inspection system (IBIS) effort involving Department of State (DOS), U.S. Customs Service (USCS) and INS has been moving forward. At this time, a joint steering committee and working group has been catablished; automation errategies have been approved; an implementation schedule has been developed; and funding responsibilities have been identified and approved. A direct link between the Interagency Border Inspection System and the National Crime information Center (NCIC) was established in 1989. To date, 45 air Inspection System and the National Crime information Center (NCIC) was established in 1989. To date, 45 air porte entry here of implementation. Interagency date exchange activities have been initiated between INS, USCS and DOS. By the end of 1992, IBIS installations covered an estimated 93 percent of all commercial airport traffic, and all of the major airport facilities.

IBIS incorporates approximately 70,000 INS National Automated Immigrant Lookout System (NAILS) individual lookouts, 550,000 lost or stolen alien registration cards, approximately 88,000 lost or stolen passports, 650,000 Department of State Automated Lookout System/Counselor Lookout and Support System (AVLOS/CLASS) excludable aliens, and some 300,000 USCS Treasury Enforcement Communications Systems (TECS) lookout and related records from at least six other law enforcement agencies. To date, ISES also incorporates a name/date-of-birth/Anumber cross reference index of approximately 8,000,000 valid alien registration cards. This index of approximately B,000,000 valid alien registration cards. This index card query is performed against ISES and NGCC. The intealligence community is currently working with ISES to describe their information and incorporate their lookouts. Enforcement and intealligence agency involvement in ISES is expanding with emphasis from the Administration's Border Security Review Group.

Emphasis is being placed upon the design and redesign of debt collection systems to assist in the improvement of the Service's debt management practices.

II. DATA COMMUNICATIONS

The INS Integrated Network Communications (INSING) System has been expanded to support 275 sites allowing for immediate access to INS systems on the Justice Data Center's mainframe computers. INSING has been expanded to include access to INS systems on the Justice Data Center's mainframe computers. INSING has been expanded to include access to at least two non-INS information sources — the National Lus Enforcement and Telecommunications system (NIETS), which provides information from State law enforcement systems, and the FBI's NCIC, which provides inferstate criminal instice and other properties, and individual criminal histories. INSING's transition to the GSA-mandated FTS 2000 network was completed in 1991. Mork is beginning on the installation of data communications facilities necessary to provide foreign district operations with access to INS centralized systems.

	1993	Approp	1993 Appropriation Anticipated	19	24 Bae	eline	195	A BEE	1	Incre	0 / 0 1	BCKEASE
	Porm.	Ħ	Amount	Perm.	설	Perm. Ros. MX Amount	Perm.	Ä	Perm. Ros. MX Amount	Perm. Pos. WX Amesu	Ħ	MX Amount
mation and 36 36 \$1,419 36 36 \$1,551 36 36 \$1,551	36	36	\$1,419	36	36	\$1,551	36	36	\$1,551		:	•

LONG-RANGE GOALS: To provide information in a timely and professional manner to the public and other Government agencies on immigration procedures, policies, plans, activities, status, benefits and eligibility, including provisions of the Immigration Reform and control Act of 1986 (IRCA) and the Immigration Act of 1990 (IRMACT 90); Administer Servicewide information services and records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as State and local governments seeking the automated and amount data generated by INS information systems; senare efficient records management in the life cycle of records; and apply principles of information systems; senare efficient records management in the life cycle of records, and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform and effective correspondence throughout INS.

MAJON OBJECTIVES: Provide analytical and technical expertise on manual and electronic record collection, capture, storage and maintenance, processing and retrieval.

Improve the control, accountability and availability of INS records through increased efforts to provide support to the Debt Management program.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems in support of the Debt Management program.

PASE PROGRAM DESCRIPTION: The functions of this program are to (1) provide responses to inquires from the public and private sectors; local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in which data may be readily obtained to respond to requests from both inside and outside the Service; (3) develop quidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyse and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and Service delivery.

ACCONFLISHMENTS AND WORKLOAD: Accomplishments of the Information and Records Management program are presented in the following table:

										400		
Item					1881		1992		7887			1881
Records Services												
Completions	•											
Files Created	•				:		28,522		36,000			36,000
Records Verification	, u		• • • • • • • • • • • • • • • • • • • •		:		24,695		32,000			32,000
Files Transfer & Request from Others/FRC's	quest 1	rom Ot	hers/FRC's		:		35,961		40,000			000,00
Files Connection	:				:		67,404		70,000		•	70,000
Ref.108		:			:		85,868		96,000		•	96,000
Mail Processing	:				:		276,799		320,000		Ä	20,000
	1993 A	Approp	1993 Appropriation Anticipated	19	1994 Baseline	-11ne	19	1994 Katimate	imate	Increase/Decrease	Be/Dec	27.00.00
	Perm. Ros. MX Assou	Ħ	Amount	Pera.	덝	Amount	Perm.	벍	Amount	Perm.	X	W Amount
Construction and Engineering	n	~	\$125	~	~	\$128	~	~	\$128	:	:	:

Long Range Goal: To provide adequate facilities for all INS operating units so that they can fulfill their requirements to administer the Immigration and Mationality Act.

MAJOR OBJECTIVES: Review plans associated with the construction, alteration, and maintenance of effective, safe, energy conserving, and attractive facilities associated with the Immigration User Fee programs.

<u>ACCOMPLISHMENTS AND NORLLOAD: Accomplishments of the Construction and Engineering program are presented in the</u> following table:

										361	Laste	
Item					1881		1992		1993			1994
Airport Projects		:			34		90		25			8
	1993	Approp	1993 Appropriation Anticipated		A BAR	line	19	94 Bet	mate	Increase/Decrease	64/89A8	CKEREE
	Perm.	X	Amount		X	Porn. Por. MX Amount	Perm.	걸	Perm. Perm. Perm. Rosa. MX Amount	Perm.	Ħ	Amount
Legal Proceedings 25 25 \$1,937 25 23 \$1,981 25 23 \$1,981	25	52	\$1,937	22	23	\$1,981	25	23	\$1,981		:	:

LONG-RANGE GOAL: To provide legal representation for the United States Government in all cases and matters involving exclusion proceedings and INS's debt collection antivities.

HANOR OBJECTIVES: To provide INS legal support and representation at exclusion proceedings with emphasis on excluding criminal aliens.

BASE PROGRAM DESCRIPTION: INStatorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Weit Systems Protection boards and immigration in Appeals, the Weit Systems Provides Litigation beand of contract appeals. The program provides Litigation support in agency litigation being conducted in United States District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Headquarters staff and field officials on legal matters arising at all levels of agency operations associated with the strategies for criminal aliens.

To provide increased support to the Office of Finance to increase debt collection.

ACCOMPLISHMENTS AND MORKLOAD: Accomplishments of the Legal Proceedings program are presented in the following table:

Item	1991	1292	1993	1994
EXCLUSION Appearances	27,793 28,321	22,516 24,427	22,520	20,720

Item					1991	-4	1992		1993		Ketimate	7887	
Preparation of Legal Briefs and Nemos Legal Consultations	1 Brief	and Me			3,590 15,970 75,674	2212	3,068 14,216 64,227		3,070	000		2,820 13,080 59,100	
Debt Collection Program Collection of overdue debts (\$000)	uran ie debte	(\$000)	:		\$1,944	.	\$3,720		\$3,700			\$4,000	
Activity: Program Direction	trection												
	1993 An	1993 Appropriation Anticipated	iation	198	24 Bag	1994 Baseline	199	Last	1994 Estimate	Increase/Pecrease	Q/44X	CKEARE	
	Perm.	翼	Amount	Perm. Pos.	Ħ	Perm. Pos. MX Amount	Perm. Pos.	捒	Amount	Pera.	벍	MX Amount	
Management and Administration 70	5	0,	\$8,592	0,	2	70 70 \$8,863		20	70 70 \$8,863	:	:	:	

LONG-RANGE GOAL. To formulate and coordinate meaningful and consistent management policies and direction throughout all lavels of the Service; to provide management direction to field units that implement major policy and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

This activity provides for the overall administration and management of the Service.

MAJOR OBJECTIVES: Provide for continuity, and control of the overall management and administration of IMS. Direct implementation of Servicewide policy and ensure its effective and uniform application.

Provide management direction to field units on implementation of INS policy and initiatives.

Improve agency responsiveness through continued enhancement of management systems including:

- Maintaining and refining delegations of authority and requirements for accountability for Mational policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
- Continuing to emphasize and institutionalize IMS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation. 0

54° No

Provide program direction for the personnel, equal opportunity, budget, accounting, property management, and support services.

. Provide vehicle support services.

Provide for the full range of security, safety and health support activities.

EASE PROGRAM DESCRIPTION: The functions of this program are: (1) To provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs; (2) To execute the provisions of the immigration and Mationality Act and related policies through the development and implementation of immigration programs and Mationality Act and related policies through the development, implementation, direction, operation and evaluation of administrative apport systems and severices that meet internal operational and multiple managers and severices that meet internal approaching and executive direction and control of the Service; furnishing accurate and prompt response to Congressional and public inquiries, administering and maintaining effective budgeting and financial management systems, performing audite, conducting internal investigations, providing informational response to frequent inquiries of GAO, OSG, OME and Departmental offices, and developing and evaluating policies and systems to improve the effectiveness of Service programs. The major administrative functions within the program inquiries personnel, accounting, equal employment opportunity, procurement, property management, flesh management, security and other miscellaneous general services that support all programs within IME.

ACCOMPLIBERERIE AND MORKLOAD: Accomplishments of the Management and Administration program are presented in the following table:

1994		16,315	2,211 68 170 85	5,150 32,000
1993		16,318 400 319	2,211 68 170 65 65	s,000 31,000
7887		12,200 450 236	1,386 60 165 53	4,800
1881		11,440 469 215	1,100 23 128 33 '	4,050
Jin	Personnel	Personnel Actions	Position Review Requests	Finance BillsVouchers

144	, 001		Retinate	inate
ALE	7227	7227	7777	777
Equal Employment Opportunity Office				
MEO Evaluations and Assist Management	i	1		
Officials	72	7.7	192	200
BEO Discrimination Complaints	1,052	1,130	1,289	1,300
Training Seminars - Supervisors, Employees,				
and Collateral Duty	~	m	•	•

Immigration and Naturalization Service Immigration User Fee

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	Improve Serv	Improve Service To The Public	Difc		
	Inspections	Detent	Detent & Deport	Total	_
ttem	Pos. Amount	Pos.	Amount	Poe.	Amount
Grades GS-9 GS-5	134 \$3,723	8:	\$550	<u>\$</u> 8	\$3,723 550
Total positions and annual rate	134 3,723 (67) (1,861) 30 1,318	8 : w	550	3. (₹8) (₹8)	4,273 (1,861) 1,462
Total workyears and personnel compensation. Personnel benefits Travel and transportation of persons GSA reft. Comm, Util, & Misc charges Other service Supplies and materials. Equipment.	97 3,180 877 877 83 1,045 316 590	8	288 282 264, 243 254, 364, 364, 364, 364, 364, 364, 364, 36	<u>क</u> ्र	3,874 1,136 87 236 85 2,458 316 316
Total program workyears and obligations changes requested, 1894	97 6,178	೫	2,614	82	8,782

Immigration and Naturalization Service Immigration User Fee Priority Ranking Fiscal Year 1994

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Inspections	-	Inspections	-
Detention & Deportation	01	Detention & Deportation	~
Investigations	က		
Legal Proceedings	4		
Information & Records Mgmt	z,		
Data & Communications	ဖ		
Training	7		
Management & Administration	8		
Intelligence	တ		
Construction & Engineering	9		

Immigration and Naturalization Service Immigration User Fee Detail of Permanent Positions by Catagory

			-18	1994 Estimate
	1992	1993	Program	
Category	Authorized	Authorized	Increases	Total
Personnel Management (200–299)	16	3		8
Attorneys (905)	8)	60	:	9
Detention and Deportation Officer (1801)	137	137	8	191
Criminal investigators (1811)	3	3	111	2
Immigration inapactors (1816)	2,185	2,185	\$	2,319
Engineering and Architecture (800 – 899)	2	æ	:	8
General Administrative and Clerical (300 – 399)	133	\$		\$
Accounting and Budget (500 - 599)	7	4	**	*
700/	2,696	2,597	\$	2,761
Washington	9-	16	:	9
U.S. Field	2,440	2,441	\$	2,605
Foreign Field	4	5		1
Total.	2,596	2.697	79.	2,761

	1991 End-of-		1992			1903			2	785	
Method of Acquisition and Type of Vehicle	Year	Acquired	Disposed	End-of-Year	Acquired	-	End-of-Year	Acquired	Average Cost	Disposed	End-of-Yee
Direct Purchase: Subcompact sedan											
Compact sedan	,	: ;	: ;	: 1	: :	: :		1 1		: : 	
Mideize seden	;	-	;	•	•					:	•
Large seden	;	_	;	_	:					í	
Pursuit sedan	;	1	:	:	. :	:				:	
Station Wagon	;	•	÷	: :	3 4	:	: {				*;
Ver. 43	1	3	3	3	o	;			3		•
Carryall, 4x2	: :	1 1	1 1			; ;	: 1			: 1	
Ambulance	:	•	1	-	Ē	:				: :	
250	•	•		:	•	;				:	•
Merurban	:	•	1	ì	1	•	1			:	•
School-Type	;	~	1	~	:	:	~	:		i	
Special Purpose:		~		*			•				•
Carryall, 4x4		1	<u> </u>	7		: :	• :			: :	•
CERTY, 4x4	:	~	:	~	:	:	8	:		ī	~
Truette:											
Pokup, 4K2	:	:	;	;	:	:	;	:		•	•
Affection, and	:	:	:	;	:	:	3			•	•
Other, 472 ·	1	i	-	:	;	1	•	:		;	•
Other 4x4	1	-		-	:	1	***				
Subtotal Purchased		3	:	3	ď	:	3	***		***	44
Other seoun	1	:	ī	ī	:	:	:	ŧ	1	:	•
Subtotal Leased										1	
elzed or no cest excess:											
Subcompact sedan	Ī	:	-	•	:	•	1	:		;	1
Compact sedan	ī	Ŧ	:	1	1	;	1	;		7	:
Medelze seden	T	1	-	:	:	;	i	7	_	ī	i
Large seden	1	1	ī	ī	7	1	ī	:		7	3
Subtotal seized										***	
					+	+			-		
		-			•		-;		***************************************		•
- Vericies	1111	120		3	0	7	3	1	7		3

Immigration and Naturalization Service Immigration User Fee Summary of Change (Dollars in thousands)

	E S	Years	Amoun
1993 appropriation anticipated	2,597	2,693	\$240,94
Mandator Increases:			
1983 Pay Annualization	:	:	1,73
Within-Grade Increase	;	;	1.376
Annualization of 1993 Positions.	: :	: N	8
Adjustments in workyears	: :	8	
Health Benefits	:	:	459
Foreign Allowance	:	:	4
Accident Compensation	: 1	: :	8
Unemployment Compensation - Redistribution.	: :	: :	, e
General Services Administration (GSA) Rent.	:	:	738
Postal Equipment Purchases.	:	:	\$
Poetal Equipment Pental/Maintenance	:	:	•
Poetal Contract Services	:	:	
Postal Under - Reported Postage Use	: :	: :	7
Distributed Administrative Support (DAS)	:	•	
General Pricing Level Adjustments	=	=	197
Total, mandelory Increases	:	23	6
Norrecurring costs of equipment and background investigations for			
new poetitors approved in 1993	3	3	-1,338
1043, 06010806	1080	3 E	200
Program francise.	<u>8</u> =	, 2 2 3	8.792
	101		900

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immanation User Fee Authoriton of Adventures to the Base

This pay annualization represents only first quester annualization (October through December) of the 1993 37 percent pay Increase Western in January annualization represents only first quester annualization represents only first quester annualization pay and \$302,000 benefits). Within Corde Interess. This increase is based on an accurate, bythering provided the Department's employee population which includes a This increase. This increase is based on an accurate, dynamic model of the Department's employee population with increase is based on an accurate, and parameter as included a series of the Department's employee population which includes a numerical accordance in the annualization of a definitional positional positions approved by Congress for 1993 for the Data and Communications program. Annual bases (50%). Lose Lapse (50%). Annualization of a definitional positions approved by Congress for 1993 for the Data and Communications program. Annual bases (50%). Annualization of a definitional positions approved by Congress for 1993 for the Data and Communications program. Annual bases (50%). Annualization of a definitional positions. Annualization of a definitional position and the confidence of the confiden	2 82
E Pa	
eg	
e de la companya de l	
The Federal Employees Health Benedie Act (F.L. 83 – 248) provided that the Government's share of health Insurance would be ab persent of the build less commended in 1878. The requested increase of 8459,000 provides funds for actual for the commended of the comm	
	÷
	:
Unemployment Compensation - Packatibudeon	:
The increase indeeds the meditioned compute annual billing provided by the Department of Labor for employees' unemployment componention. Based on the actual billings, a redistribution of the Department's base is necessary. The 1864 amends will be \$117,41, or \$3,000 over the 1805 base.	
2	 82
werk	\$
Accident Compensation. This increase referes the billing provided by the Department of Labor for the actual costs in 1992 of employees' accident sempensation. The 1994 amount will be 869, 000. Unemployment Compensation — Redistribution. Unemployment Compensation — Redistribution. This increases referes the next stock completes annual billings a redistribution of the Department's base is employment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1994 amount will be 8117,441, or \$3,000 over the 1993 base. Dances Barness Administration (DA) for the second of the actual billings a redistribution of the Department's base is necessary to companies those charged to commercial tenants for equivalent apace and related services. The requested increases of \$738,000 is required to meet our committennt to GBA. Settled — equipment purchase is necessary to compy with the U. B. rotal Benvice mendate requiring Federal agencies to convert the advect accommendative as the method of determining postage costs for Federal Government panalty mail. Complying with the direct accommending requirements cannot be done without procurement of electronic mail processing equipment	

į

for use at Department offices and leadings across the country and worldwide. This one—time increase of \$40,000 is for purchase of celebra, may proceeding equipment and contractor assistance.		
This request prevides for the additional increase for the recurring, annual aspenses for meter rentals (cannot be purchased) and equipment mainteness necessary for the converting, annual aspenses for meter rentals (cannot be purchased) and equipment mainteness necessary for the convertion of Federal agencies to the direct accountability method of determining peciage seets. An increase of 89,000 is required.	€	
11, Foots Bertoe developer requiring the Department to conform with the direct accountability method of grathering possible several will require additional personnel needed to process mail at high-volume locations only. The Department anticipates contracting this service. The requested increase of \$3,000 will be seenfall for the Department to assure confinued and timely mail definery.	E	
Tay, Politics — Under Expense for the Uast personal services of pensity mail as not designed to provide a high level of provides and here proved highly insocurate. Based on actual experience of Federal operation and here proved highly insocurate. Based on actual experience of Federal operations who have already converted to the direct accountsability method, the Department's actual postage costs with increase by 22-percent to 23-percent. This increase is needed departs cost containment measures implemented in the Department (e.g., presoring of		
outgoing mail, centralized mail room operations), as well as reducing the use of expensive, non-contract sources of urgent—delivery percels. Estimates based on actual experience require an increase of 674,000, as 28 percent increases, which is well below that experienced by other agencies.	:	
Under the Foreign Metars Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by DOS. DOS advises that a 10 percent increase in foreign operations once as anticipated. The increase of \$7,000 is based on availability of \$65,000.		7
This request applies Okitib pricing gliddence as of June 8, 1992, to selected expense sategories. The increased costs identified research them applying a factor of 8,1 percent against those subobject classes where the periose that the Government pays are satebilished through the market systems instead of by law or regulation. Generally, the feedor is applied to supplies, marketies, equipment, contracts with the private action, printing costs, transfortation deats and utilities. Excluded from the computation are estagories of	:	7
Opering when the processes in the control of the co	2	3
 The 1983 request included 2 unknoded FTE in the Legal Proceedings program. To make the workyears consistent with	~ : ~ :	-
Total decreases	-2 -1,3	13
Total, adjustments to the base commencement of	:	•

immiggation, and Naturalization Sendoe immigration User Fee Summary of Regulsements by Grade and Object Char

	1992	1992 Actual	Ante	Anticipated	78	1984 Estimate	incresse	Incresse/Decresse
Grades and saley ranges	Positions & Workysers	Amount	Positions & Workyeers	Amount	Positions & Workveers	Amount	Positions & Workysers	Amount
08/0M-14, 466,627-73,619	•				=		:	
08/QM-13, 847,920-62,283	Ŧ		=		=		: ;	
08-12, \$40,288-52,385	ā		55		25		: 1	
08-11, \$33,623-43,712			•		•			
08-9, \$27,786-36,123	2.182		2.182		2.326		75	
08-7, 422,717-29,530.	-		- -		-		•	
08-6, \$20,443-26,572	3 2		25		35		: :	
08-5, \$16,340-23,836	3 •		3 •		2.		8	,
Total positions	S FOR	474 001	2 807	440.078	2 90.0	100	747	107.0
Pay above stated annual rates	7	1	BC'3	910,000	200	200'00	Ē	Š.
454	8	-13,476	8	-2369	-145	4.980	9	-2620
Savings due to lower pay scales for part of year	3	:	:	-1,217	:	:	: :	1217
Net foll-time permanent	2,007	60,745	2,492	76,492	2,616	80,516	124	100,4
Other than permanent								
	Ŕ	38	8	10.608	Ŕ	10.819		25
Other personnel companeation:	į		i		i		•	
Overfine	2	*	<u>\$</u>	6.777	2	9.000	•	245
Administratively uncontrollable oversime	2	28	5	\$	5	4	• :	8
1931 Act Overtime	ž	26.62	786	28.408	9	30.273	8	98
Other compensation	7	1,272	8	*	8	000	; =	\$
Special personal services payments	:	8	•	=	:	=	: 1	: :
Total, workyeers and personnel compensation	3,200	80,178	3,686	122,746	3,647	129,156	186	6,412
Average 08/0M Salary		(#28,711) (8,865)		(\$30,386)		(52,170) (53,000)		
						•		

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	4	nary of Progress	Purmers of Penjamenta by Graft and Object C Colors in Provencia)	1 Object Class				
Object Class	Wertgreen		Merines	Methods Antiques	Worthcase America	America	Workress Ameur	America
11.1 Full—time permenent	2.00 201 108 118	20 7.00 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	# 5 B	974, 450 10,600 36,636	9.1080. 1080.	90,518 10,518 37,54	ă :x	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
Total commensus and the commen	9700	21.0	3,666	122,746	ANTE .	188 188	8	6,412
12 Personnel benedits.		28,457		30,751		8,18		2,364
		£ 5		1,276		¥ 5		2.
2		8		2.014		8		=
22. Penil payments to offer.		2		2		į Š		
		20.0		3,728				Ž
25 Office across representations		8		2 K		N 2		
S Suprement		į		2 Z		B B		Ŗ
28 Laid and structure		3 =		:		11		ii
Party Commence		= ₹ '		11		i i		1 1
Total officers.	120	2X,100	3,668	283,608	1998	200,438	8	14,888
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		27.300		No. or other	***************************************	100		

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Table of Contents

Immigration and Maturalisation Service

Immigration Examinations Per

Summary Statement Fiscal Year 1994

The Immigration and Maturalisation Service (INS) is requesting \$347,529,000, 4,122 positions and 4,035 workyears in 1994 for adjudications and naturalisation and refugee, asylum and parole activities and related support services inded through the Immigration Examinations Fee Account. Consistent with Congressional intent, the cost of these activities is to be funded from fees collected from individuals applying for benefits under the provisions of the Immigration and Mationality Act.

The Immigration Examinations Pee Account was established in the Department of Justice Appropriations Act, 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney Coneral may deposit adjudication fees collected under the regulations governing IMS. All deposits to the account are paid out of this appropriation for expanses in providing immigration adjudication and naturalization services. The resources to be made available are used for adjudication of applications and petitions for benefits under the immigration and Nationality Act, asylum, refugee, parole and overseas activities; adjudications-related work performed in other Service and non-Service programs; and to provide necessary support to all of these activities.

This budget submission reflects the need to expand resources required to deliver timely and efficient service to the public in an equitable manner consistent with all provisions of the law.

The total enhancements requested for the Immigration Examinations Fee Account for 1994 is 396 positions, 175 workyears and \$42,408,000. The program details of this request are described below.

Adjudications and Maturalization

The request includes an increase of 165 positions, 110 workysars and \$14,749,000 to continue the multi-year effort to improve services to persons applying for immigration and nationality benefits.

In view of the emphasis given to service to the public in the legislative history of the account, workload and backlogs must be addressed effectively. There is a clear need to continue the ongoing development and expansion of the Service Centers and the Direct Mail program that are focal points of plans to process high volumes of applications efficiently in an operational environment which allows attention to be focused on productivity and quality control.

International Affairs and Outreach

The budget request includes 63 positions, 33 workyears and \$3,779,000 to expand the Asylum Officer Corps to address backlogs, expand the Resource Information Center to provide improved country condition information and provide additional resources for the Refugee program.

Training

\$1,369,000 for Training program activities related Rffective training programs will contribute to The budget request includes 11 positions, 5 workyears and \$1 to Immigration Examinations Fee Account staffing lavels. efficient operations and enhance productivity.

Data and Communications

The budget requests 41 positions, 28 workyears and \$10,315,000 for the continued development and operations : maintenance of computer systems of related to the programs funded under the Immagration Examinations :

Information and Records Management

The Information and Records Management program provides essential support for the adjudications and naturalization activities in the Service Centers and district offices. The Budget request includes 53 naturalization, 27 work/ears and 58,766,000 for additional personnel to provide the lavel of support necessary to ensure that application processing is supported at a level required for the projected workload.

Intelligence

The Intelligence program provides on-site forensic document analysis support to three of the four Service Centers. The request of 1 position, 1 workyear and \$81,000 for the Intelligence program would expand the on-selective forensic document analysis capability to the one remaining Service Center currently without that capability.

Management, and Administration

The request contains 62 positions, 32 workyears, and \$3,349,000 for management and administration activities. Included in a request Cor 36 positions, 18 workyears and \$1,500,000 to achieve the more efficient management of the Immigration Examinations Fee Account supported programs in the field. These resources are critical to maintaining efficient operations within the district offices and in the Service Centers.

The Management and Administration program also provides essential day-to-day support for activities funded by this account in such areas as personnel services, accounting, contract and procurement services, equal employment opportunity, and safety programs, and other forms of general service and support. An enhancement of 8 posttions, 14 workyears and \$1,849,000 is requested to continue to provide these services commensurate with the growth in the other programs within the request for this account.

OGKAN DECKEASE

In addition, this request includes a reduction of 61 workyears to meet the reduced personnel levels established by the Administration. These reductions occur in the Inspections, Adjudications and Maturalization, International Affairs, Data and Communications, and Information and Records programs.

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A Date	35 - 12 25 - 12 25 - 12 25 - 12	2,140 151,576 471 79,884 2,440 191,440	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	75 12.514
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STATE OF THE SALL	2	18 24,818 1,450 1,460	13 2400 40 11,932 521 27,792 1 173 5 775 42,206	40 40 11.72k 674 1,046 94,518
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Institutional Americalma, Congram bernaced the Impeciation program to provide additional resource of land boades ports - of - mity for insulprates happeader has good professively adjustments wenthered.

Remerchanken. The reprogramming of positions and bedget collectly refers to pers near a freezing a positional as proved in 1972 and all reprogramming representations for the collection of the city in the Compania is 1992. The 1992 extens reflected at allocation of the city in the hand a few Account from the Educin and Expensional, inguither with appropriate exhausement service operations, inguither with appropriate exhausement service operations.

Afficialist Mathews. The worthers level in 1995 was adjusted as a part of the Franklant's definit redection program.

immerator and networkson service Immerator Examinations Fee Summery of Regulements Dollars in thousands

Eneroting Unappropriated balance, start of year. Receipts.	1992 Actual 844,864 288,710	1993 Appropriation Anticipated 849,716 323,384	1994 Estimate \$35,864 345,000
Total available for appropriation	310,374 -280,659 49,715	373,076 -337,416 35,664	380,864 -347,529 33,136
Obligatore	282,043 -1,364 280,669	337,416	347,628
Obligators by program Enforcement: Impedions. Investigators. Investigators. Bublioss.	2,408 1,881 4,369	10,986 7,278 539 16,002	16,647 7,638 630 24,010
Citizenetip and Benefits: Adjudications and Naturalization. International Alfairs and Outreach. Subtonil	18,24 07,38 110,171	161,876 30,804 40,680	162,871 44,540 187,411
Immigration Support: Training. Des and Communications. Information and Records Management. Construction and Engineering. Legal Proceedings.	1,704 39,270 17,880 1,880 1,880 2,407 61,713	3,070 49,916 67,196 17.2 5,071	4,622 46,178 60,128 178 8,18
Program Direction: Management and Administration	282,043	13,614	12,977

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Immigration and Naturalization Service Immigration Examinations Fee. Summary of Residements

						,			Per j	Work-	Amount
									3,876	940,1	6337,415
									3,876	4,000	337,415
					***************************************			***************************************	::	1 55	17,616
and beck	round inves	tigetions for n MR and CRS a	ew positions pproved in	approved 993	In 1983				::	: : {	4,560
, accompany					d memorada	obeci and or			3,878	3,000	305,121
		***************************************							3.878	3,860	305,121
\$	3 Appropria Anticipated	u og		9	3aseline	_	904 Eethu	•	Ē	1980/Dect	i
F 8	¥	Ameunt	Peg Pos	¥	Amount	Perior	¥	Amount	§ 2	¥	Amount
3	273	\$18,802	348	3	\$23,929	360	*	\$24,010	-	ī	=
2. Chizenship and Benefits	2,840	191,660	2,570	2,501	178,863	2,798	2,601	197,411	8	8	18,528
3. Immigration Support	1,021	113,419	2	924	199'28	974	8	113,131	\$	\$	20,450
4. Program Direction	78	13,614	87	10	9,628	140	91	12,977	8	×	3,340
Total	900,	337,415	3,875	3,860	306,121	4,271	4,035	347,529	8	176	42,408
::::: 42X :::	164 159 2.570 869 869 869 869 869 869 869 869 869 869	1 982 Appropria Anticipate Anticipate Perm. WY 1983 Appropria Anticipated Perm. WY 349 273 2,570 2,640 869 1,021 87 75 3,875 4,009	1983 Appropriation Perm. 1983 Appropriation Perm. 1983 Appropriation Authophated Perm. 1983 Appropriation Authophated 2,570 2,840 191,860 869 1,021 113,419 87 75 13,614	nd bestground invastigations for new positions signements with EOIR and CR8 approved in being and related costs for the "On Transcipling and related costs for the "On Transcipling and Transcipl	1983 Appropriation 1984	Designound investigations for new positions approved in 1993	nd basignound investigations for new positions approved in 1993 signements with ECIR and CR8 approved in 1993 signements with ECIR and CR8 approved in 1993. 1993 Appropriation Anticipated Perm. Perm. Perm. Perm. Perm. Perm. 1994 Baseline Perm. 1995 Baseline 1995 Baseline Perm. 1995 Baseline 1995	1982 Appropriation 1982 Appropriation 1984 Easting 1984 1984 Easting 1984 Easting	Designound investigations for new positions approved in 1993. Designound investigations for new positions approved in 1993.	1982 Appropriation 1982	1962 1.25 1.3,514 87 81 80 81 1.2 81 1.2 81 81 82 81 82 81 81 8

immigration and Naturalization Service immigration Examinations Fee Base Comparison

	2	1983 Approprietion	roge									
Estimates by program		Anticipated	9		184 B	•		1994 Baseline	2	٤	Increases/Decreases	10000
	å	¥	Amount	Po 0	¥	Amount	Pos	≩l	Amount	Poe	λX	Amount
Enforcement												
hapactions	241	5	\$10,985	241	\$	\$15.647	241	2	\$15,847	:	:	:
Investigations	8	8	7.278	5	8	7,533	5	<u>\$</u>	7,533	;	:	ŧ
Subsolution	इ	388	18,263	इ	8	23,360	ž	8	23,360	:	;	:
Adjuditations and Naturalization	2.158	2.168	151.878	2.156	2,029	136.122	2,158	2020	136.122	:	:	;
International Affairs and Outreach	4	Ę	39,804	412	5	40,761	412	\$	19/104	:	:	:
Suttental	2,570	2,640	181,680	2,570	2,501	178,863	2,570	2,501	178,863	:	:	:
Immiprestion Superad												
Training	81	8	3,070	8	8	3,163	8	8	3,163	:	:	:
Date and Communications	2	2	49,916	2	3	34,863	2	8	34,863	:	Ξ	:
Information and Records Management	736	3	57,189	736	8	51,350	736	8	51,359	:	÷	፥
Intellicence	•	•	S	•	•	3	•	•	3	:	:	:
Construction and Engineering.	-	-	173	-	-	22	-	-	178	:	:	ŧ
Legal Properties	8	8	3.071	3	3	3,123	8	¥	3,126	3	:	£
Subtotal	877	620	113,958	110	8	83,230	448	8	60,230	ī	:	1
Program Direction:	W	28	13.514	78	8	929	20		629	:	:	:

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Paragraph .	2	£		8	8	8	8	8	7.278	8	8	38.	5	Š	7,550			
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	1	3	. 181	Z	8	7	3	27.5	18,800	3	7	2	8	Ì	010.48	-	7	=
Citannship and Benefits:																1	1	:
Adjudications and Naturalization	2	3.5	10.01	2. 2.	2	1	2.15	 8 :	51.07	2. 2 2. 3 3. 3	200	¥ 5	2 5	2 G	31	ğ 3	2 %	
Substitution of the state of th	2.478	1	186.630	2.470	200	171.014	2.970	2.0	101.000	2.970	2,50		2	2,60	118,401	2	8	18.526
Immgration Support	8	•	į	8	•	2	8	8	80	8	8	318	8	R	4.62	=	•	
Only and Communications	3	. 2	40 342	8	` `	36 270	2	2	40.016	2	. 3	2	Ξ	I	43,178	₹	ĸ	10,318
Information and Records Management	3	ž	21.000	Ì	2	17.850	2	ž	37.18	2	\$	91,360	ž	E	82 O	3	2	# 2.7
Construction and Engineering	-	-	2	-	-	4	-	-	2	-	-	7.	-	-	Ē			
Legal Proceedings	*	*	2,477	8	a	2.407	7	2	3,071	7	3	21.5	2	3	21.5			40.4
Bublosi.	11	Ā	2	174	*	61,713	Ī	<u>.</u>	113,410	I	š	2	*	ŧ	12,13	ē	3	20.430
Program Direction Management and Administration	8	\$	200	8	3	24.887	•	£	418,61	•	•	8	3	110	12,077	2	я	376
	386	222	363,462	3.34	2.074	362.043	3.075	8	\$19,'66	3,678	3,000	181,306	14.2	4.00g	2 X	¥	Ē	2
Total Workpeans		22			2.674			8			9			88,			Ē	
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workywar		1,537			2,000			4,373			¥2.4			4.415			Ē	

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Immigration and Naturalization Service Immigration Examinations Free Account Justification of Program and Performance Activity Resource Summary (Dollars in Thousands)

Activity: Enforcement

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	9CL6480		Amount	:	:	287	81
	1708						
	Incres	Perm.	Poer	:	:	1	-
	MATE		Amount	\$15,847	7,533	630	24,010
	24 ESC				100		
,	7	Perm.	Sol	241	901	٦	350
:	201100						23,929
	224 BA		뉰	240	100	9	348
•		Perm.	Poe	241	100	80	349
riation	203		Amount	\$10,985	7,278	539	18,802
Approp	וחבוכום		뉰	165	90	9	273
1993		Perm.	2	241	90	89	349
				Inspections	Investigations	Intelligence	Total

This budget activity contains resources dedicated to inspecting applicants for admission into the United States, detecting fraudulent documents and adjudicating applications for immigration benefits. This activity includes resources for the investigation and apprehension of aliens who have committed major criminal fraud offenses, narcotics trafficing, subversion, terrorism, and alien smuggling and other serious violent criminal activities. Also included is the capacity to examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to aliens.

	1993	Appropr ticipat	1993 Appropriation Anticipated	561	A Bass	Aline	1994	LEST L	nate	Incres	5 0/88	CKEASE
	Poe.	Ħ		Poe.	¥	Pos. MY Amount P.	Poer	¥	Post. HX Amount Post. HX Amount	Poer	겈	Amount
Inspections 241 165 \$10,985 241 240 \$15,847 241 238 \$15,8472	241	165	\$10,985	241	240	\$15,847	241	238	\$15,847	:	7	:
LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States is controlled in	enente	that th	e entry of	applic	ants f	or admissi	on into	the U	lited State	s is co	ntrol	led in

a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

<u>MAJOR OBJECTIVES:</u> Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States.

Facilitate the entry of qualified persons through ports-of-entry.

Prevent the entry of inadmissible applicants through ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

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Increase/Decrease Perm. Pos. MX Amount

1994 Estimate Frm. 8. WY Amon

1994 Baseline Perm. 7

MX Amount 238 \$15,847

241

Amount \$15,847

POS. WY 241 240

Inspections

PROGRAM CHANGES

This request includes a requested decrease of 2 workyears to meet targeted staffing levels of the Administration.

Adjudicate applications for immigration benefits which are transferred to the ports-of-entry from the Service Centers and District Offices for remote processing.

2 1

DASE PROGRAM DESCRIPTION: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, U.S. Customs Service, Department of Agriculture and local port authorities. Determination of inadminsibility is based on examination of the applicant, related documents and/or prior information. Local and National lookout systems containing information related documents aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the United States. Any oriminal activity discovered in the inspection process is referred for appropriate investigation. Applications and petitions for a full range of benefits under the immigration laws are adjudicated during personned directly to ports located on the United States/Hexican border where they are adjudicated and issued by inspection personnel.

MORKLOAD AND ACCOMPLISHMENTS: Accomplishments of the Inspections program are presented in the following table:

			88119810	
Item	1991	1992	1993	1994
Remote Adjudications	661,757	664,000	658,000	663,000
Explanation				
The Land Border Inspections program is now reimbursed from the Immigration Examinations Fee Account for the adjudications work performed by Immigration Inspectors at ports-of-entry during traffic "down-time". Considerable resources within the land border appropriation had been used to carry out adjudications tasks. This anomaly within the Inspections program budget was addressed in the reprogramming request approved by Congress in March 1992, resulting in the transfer of 141 posttions to the Immigration Examinations Fee Account. Examinations Fee Account. Examinations Fee Account.	imbursed from the Inspectors at appropriation had udget was address ar of 141 position	Immigration Examports—of-entry of been used to called in the reprofest to the Immigration FY 1993 to 1	inations Fee Accounturing traffic "do kry out adjudication pramming request applications reasons Fee	for the ". ne tasks. ne tasks. proved by Account.

	1993	1993 Appropriation	clation	A 0 0 0	40 } [4	9	400	4	-	2/4	
	Perm.	BAVAVA	× ×	7	21144	Parm	2 62 5.4	1010	Perm		74.50.00
	Pos.	X	Pos. WX Amount	Ħ	Pos. MX Amount	Pos.	ΗX	Pos. WX Amount	Pos. MX Amount	¥	Amount
stigations	100	700	\$7,278	100	\$7,533	100	100	100 100 \$7,533 100 100 \$7,533	:	:	:

LONG-BANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

Prosecute and deter arrangers, facilitators and smugglers who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Investigate and apprehend aliens who commit major criminal fraud offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, alien sauggling, and other serious or violent criminal activities.

PASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly organizations are cimulated outh large-scale, highly organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Other major cases investigated involve individual aliens who entered the United States illegally to seek benefits or employment through fraudulent documents. Investigative task force operations of a criminal organization. Investigations often require the service of subpoense and search warrants to obtain evidence.

ACCOMPLISHMENTS AND MORKLOAD: Accomplishments of the Investigations program are presented in the following table:

Item	1661	1992	1993	1994
1. Organizations/Facilitators Cases Completed	:::	20	. 180 72 6	180 72 6

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Item	1881	1992	1993	1994
2. Individuals Cases Completed	:	894	3,612	3,612
Defendants Prosecuted	::	65 51.6	217 51.6	217 51.6
Deportable Aliens ApprehendedApprehensions per workyear		945 38.4	3,840	3,840 38.4

Estimate

Note: Investigative activities conducted in support of the adjudications and naturalization process were not funded from the Immigration Examinations Fee Account until 1992. The workload increase between 1992 and 1993 reflects the annualization of the 100 positions approved by Congress in 1992 for the Investigations program in this account. The focus of the Investigations program with regard to the Examinations fee activities reflects one of the basic enforcement priorities of the Immigration and Naturalization Service: detection and deterrence of fraud and

smuggling.

The principal goal of the Fraud Program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting complete or criminal proved in immigration fraud for criminal prosecution. One investigation recently completed by INS resulted in the dismantling of the largest counterfect document manufacturing and distribution organizations in the dismantling of this investigation, the INS selzed 250,000 fraudulent documents valued at over \$7 million, two printing presses, counterfect currency, and handquine. Although INS is continuing to pursue investigations targeting counterfeit document manufacturers and vendors, the 1990 enactment of Section 244A of the Act, Temporary Protected Status (TPS), introduced a new variety of immigration benefit fraud requiring that the INS refocus its enforcement efforts to include this expanding arens of fraudulent immigration activity. The Marriage Fraud Amendments Act and IRCA expanded INS's obligations and ability to detect and deter fraud during the legalization process, the employment eligibility verification process, and the acquisition of legal benefits through spoussl and flance(e) relationships.

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	Ant	Anticipated	ed	19	1994 Baseline		1994	Esti	nate	Increa	0/08	Crease	
	POE. WX A	¥	WX Amount	Post	Ħ	Pos. WY Amount	Pos. MX Amount	젊	Amount	Pos. MX Amount	겈	Amount	
lligence 8	6 0	80	\$539	80	89	8 8 \$549	6	•	\$630	-	-	1 \$81	
DRANG COME. To develon an international immigration intellinence canability for the collection, analysis	deline)	4	fact tone	and and	4	totellines	44.40	747 (7	for the c	01100110	•		

LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trands, and provide meaningful and dissemination of information regarding global migrational components for enhanced effectiveness and efficiency.

MAJOR OBJECTIVES: Furnish assistance in the detection of fraudulent identity documents to INS components and international law enforcement agencies.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components associated with the Immigration Examinations Fee Account.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration Reform and Control Act (IRCA).

BASE PROGRAM DESCRIPTION: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assist other Federal agencies in addressing national security issues. The Service * Forenaic Document Laboratory (FDL) is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, and alien smuggling, and false claims to citizenship and other fraudulent claims.

for ACCOMPLISHMENTS AND WORKLOAD: Workload relating to cases received from the Adjudications program sxamination of fraudulent documents is included in the Salaries and Expenses account.

	PROGRAM CHANGES:	1994	Base	1994 Baseline 1994 Estimate Increase/Decrease	199	4 Eet	mate	Incr	Q/ 88 W	BCKBBBB	
		Pos.	¥	POST, HY AMOUNT POST, HY AMOUNT ROS, HY AMOUNT	102	걸	Amount	Poer	Ħ	Amount	
,	Intelligence		80	8 8 \$549 9 9 \$630 1 1 \$81	σ	თ	\$630	-	1	\$81	
	An increase of 1 position, 1 workvear, and 581,000 is requested to improve the Forensic Document Laboratory's	81,000 10	redn	ested to	Improve	the	orensic	Document	Labor	story's	

(FDL) capability to support the Immigration Examinations Fee Account operations. The requested Forensic Document Analyst will be committed to working forensic cases received from'Immigration Examinars. Cases being submitted by Immigration Examinars are growing in complexity, and contain extensive packages of fraudulent supporting documents as well as fraudulent trial statistics documents. Such cases require cross-checking with the INS/FDL Document Link Identification System (DLIS) to link cases involving counterfeit documents with cases

elsewhere in the Service. In addition, the Forensic Document Analyst must in many cases request assistance to obtain exemplars of previously unknown documents from U.S. consular posts overseas. All of this work is labor intensive. These resources are required if the Forensic Document Laboratory is to achieve an acceptable case turnaround time on Adjudications casework.

Immigration Examiners have only recently discovered the great usefulness of forensic support to help them make decisions on cases involving highly sophisticated fraudulent schemes which otherwise will be undetected. Fraudulent applications such as those involving bogus stamps, seals, vital statistics records, fake foreign casetal cancellation marks, and supporting documents are mushrooming across the country. In 1992, forensic casetal cancellation marks, and support will approach 15 to 16 percent of the overall INS/FDL workload. These schemes evolve over a long period of time and if unchecked will spread. INS/FDL does not have the resources to meet the demands of the Immigration Examiners as their resources are enhanced in response to growing workload.

Activity: Citizenship and Benefits

ARE/Decrease	Porm.
Incre	Por.
mate	nt Poe. MX Amount
24 Est	뵱
81	Porm.
1994 Beseline	Post. MX Amount
94 Ba	Ħ
87	Por
1993 Appropriation Anticipated	Amount
Approp	翼
1993 An	Por H

2 0 Adjudications

165

2,158 2,029 \$138,122 2,323 2,104 \$152,871

Naturalization... 2,158 2,169 \$151,876

LONG-RANGE GOAL: The overall goal of Adjudications operations is to provide for and facilitate the efficient, timely and correct processing and adjudication of applications and petitions for immigration benefits. This includes the administration of naturalization and citizenship provisions, as well as all other applications for benefits under the Immigration and Nationality Act and related statutes, including the Immigration Act of 1990 (INNACT 90).

MAJOR OBJECTIVE: Assertations for benefits are processed in a prompt, efficient and courteous manner without undus burden to the public, ensuring that benefits are granted for those entitled to them under the laws and denied to those applying fraudulently or who are otherwise ineligible for such benefits.

Attain and maintain a current workload in adjudicating applications and petitions for benefits provided by law

Attain and maintain currency in naturalisation and citizenship cases.

Manage resources in response to workload so that applicants will receive decisions of consistent quality and timeliness in all geographic jurisdictions of the Immigration and Naturalization Service.

Provide automated capabilities to INS Service Center and district office operations to achieve currency, quality, consistency, equity, and efficiency in accomplishing the objectives detailed above.

ADSE PROGRAM DESCRIPTION: The function of this program is to process, adjudicate, and ultimately grant or deny applications and petitions for benefits provided under the immigration laws. Adjudications activities include processing applicants for permaient resident status, petitions for relatives, worker's applications, reentry sermits, refugee travel documents, and extensions of temporary stay. Naturalization activities include the examination of aliens to desermine their qualifications for naturalization, issuance of citienship documents, appearances of Service officials before naturalization courts, and the conduct of administrative naturalization ceremonies.

The INS Adjudications and Naturalization program operates in field offices and four Service Centers. Applications for immigration, are received and adjudications for immigration, are received and adjudicated by a corps of immigration officers (examiners) and adjudications support personnel. District offices adjudicate cases involving personal appearance by petitioners or applicants. Service centers concentrate on cases which can be processed without individual appearance and which can benefit from volume processing and a production line environment.

The Adjudications program distributes work according to the Balanced Adjudication System, a strategic plan to balance workload using the relative advantages of field office processing, service centers, and the "remoting program", which utilizes available immigration inspector time for adjudication activities at ports-of-entry. Adjudications operations, by their nature, are extremely amenable to automation processing efficiencies, particularly with respect to support activities such as fee receipting, answering status inquiries, and record Keeping. In recent years, automation initiatives have played an increasing rola in Adjudication's overall planning. These initiatives have played a vital part in the increased production achieved in recent years. The costs of these planned automation initiatives have been identified in the Data and communications program

ACCOMPLISHMENTS AND HORKLOAD: Over the last few years, the workload of the Adjudications program has been in a state of change, experiencing regular the spid and unpredictable growth. Due to the delay in the setablishment of the new fee schedule in Fiscal Year 1991, which has in turn limited hiring up to the authorized force level, backlogs persist in many field offices and the quality and overall level of service have improved at a slower rate than planned. Significant activities sreating additional workload include: the continuation of the Legalization and Special Agricultural Morker (SAM) programs mandated by the 1996 immigration Reform and control implementation of the Employment Authorization Document (EAD) program, and the implementation of the Immigration Act in 1991 (HMART 90). These events have forced delays in the implementation of the Direct Mail program, a major initiative designed to take advantage of rutomation technology which will allow INS to keep place with the growth in workload.

PROGRAM CHVAGES:	1994 Bag	1994 Baseline 1994 Estimate	199	4 Estin	ate	Incres	0/00	SCK6889
	Pos. WY Amount	Amount	Post	걸	Pos. HX Amount	Por 1	걲	Pos. WX Amount
Adjudication and Naturalization	2,158 2,029 \$138,122 2,323 2,104 \$152,871 165 75 \$14,749	\$138,122	2,323	2,104	\$152,871	165	75	14,749
The program enhancement request for the Adjudications and Naturalization program for 1994 is 165 positions, 110 workyears and \$14,749,000. This is partially offset by a docrease of 35 workyears to meet targeted staffing levels of the Administration.	ications and y offset by a	Naturaliza docrease	tion pro of 35 wo	gram forkyear	or 1994 is a to meet	165 pos targete	itior d eta	is, 110 iffing

Program enhancements in 1994 are commensurate with projected workload growth. In order to achieve quality improvements, with essentially a stable level of resources, productivity increases in Service Center processing, field office processing, and port-of-entry remote processing will be achieved through automation enhancements to the Computer Linked Application Information Management System (CLAMS), and regulatory, as well as procedural improvements. The Adjudications Workload Summary Chart provides details concerning the receipts, workload, productivity, and pending projections through 1998.

Adjudications FY 1994 Program Assumptions

The following assumptions were made in the formulation of the Adjudications program's 1994 budget:

- Phase III of the Direct Mail program will be completed with the appropriate distribution of workload between the field offices and Service Centers; Asylum case processing will continue in the Service Centers; and,

no new legislation resulting in additional workload or substantive changes will occur in the existing program.

Enhancements include the following:
o increase in the staffing levels commensurate with workload projections;
o increase in the number of advanced training courses for officers journeymen training and 0

assurance) and, purchase of upgraded equipment in service centers and in the quality assurance program in field offices.

The total program enhancement for the Adjudications and Naturalization program of 165 positions, 110 workyears and \$14,749,600 is as follows:

Workload Indrease/SAM Appeals

In 1994, an additional 165 positions (110 officers and 55 support), 110 workyaars, and \$11,749,000 is requested to increase Service Center staff and continue the Special Agricultural Workers (SAM) program within the Appeals Unit at Headquarters. The staffing increases are based upon the projected workload identified in the chart provided above.

PBI Security Checks

An additional \$2,500,000 is requested for the increase in projected workload that will require FBI security checks(approximate) 100,000 additional name and finger print checks at an estimated average cost of \$25 each).

Computer Linked Application Imformation Management System (CIAIMS) Training

Also requested is \$500,000 to conduct in-depth CLAIMS-Direct Mail Phase III training at approximately 15 to 25 field offices. This entails approximately \$250,000 in cufriculum development, \$140,000 for contractor travel and par diem to locations to cenduct the training, and \$110,000 for INS travel related to the training program. The increase will provide training related to new procedures and systems to existing personnel. Appropriate training of existing personnel.

ADJUDICATIONS WORKLOAD SUMMARY		ACTUAL	PROJECTED		(Includes TPS)			
	E	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
RECEIPTS								
BEGINNING OF YEAR		562,108	655,042	1,308,344	1,551,522	1,226,717	719,938	400,857
INITIAL RECEIPTS-Except Court	-	4,230,636	5,123,000	6,000,000	4,853,000	5,095,650	5,360,433	5,617,954
HESUBMITTED CASES	8	1,023,041						
WORKYFARS								
SERVICE CENTERS		448	KAR	200	000	000	CO	000
SERVICE CENTERS 1-151 Project		12	140	3		3	3	
LOCAL OFFICES		1 249	1.364	1 230	1 217	1 217	1 217	1.217
SERVICE CTR. HO.		=	15	20	20	50	25	25
OTHER HO + APPEALS UNIT	-	63	08	822	22	82	98	98
REGIONAL OPERATIONS		30	27	59	29	58	58	29
SUBTOTAL		1,813	2,167	2.137	2.222	2,222	2,237	2,237
SAW		87	25	25	15	15		
TOTAL WORKYEARS		1,899	2,192	2,162	2,237	2,237	2,237	2,237
COMPLETIONS	е	******						
SERVICE CENTERS		1,710,968	2,659,770	2.494.821	2,935,706	3.360,269	3.427.474	3,496,023
FIELD OFFICES	4	1,859,415	1,712,071	1.599,000	1,582,100	1,582,100	1,582,100	1,582,100
ADN PROGRAM SUBTOTAL		3,570,383	4,371,841	4,093,821	4,617,806	4,942,369	6,009,574	5,078,123
PORTS OF ENTRY	sc.	621,985	000'899	000'899	000'099	000'099	000'099	000'099

PRODUCTIVITY/ WORKYEAR					•			
SERVICE CENTERS		3,721	3,757	3,111	3,262	3,734	3,808	3,884
* CHANGE		22.65%	29.85%	-17.20%	4.86%	14.46%	2.00%	2.00%
FIELD OFFICES		1,489	1,255	1,300	1,300	1,300	1,300	1,300
* CHANGE	<u> </u>	R/FS	800.0 %	3.59%	0.00 %	0.00% %	0.00%	0.00 X
TOTAL ADN PROGRAM		1,970	2,017	1,916	2,033	2,224	2,239	, 2,270
* CHANGE		19.87%	23.54%	-5.04%	6.14%	9.40%	0.69% %	1.37%
END OF YEAR PENDING	9							
SERVICE CENTERS		181,447	783,847	1,228,025	1,071,320	629,001	305,065	67,756
PORTS OF ENTRY		21,509	34,082	34,082	34,082	20,000	20,000	20,000
FIELD OFFICES	_	452,086	490,415	289,415	121,315	70,997	76,792	192,932
TOTAL	-	655,042	1,308,344	1,551,522	1,226,717	719,998	400,857	280,687
								17

FOOTNOTES:

Impact. Does not include court receipts, which are important for fee projections, but have little INS workload impact. Does not include asylum receipts received by the Adjudications program, but not those received directly by the Asylum Frogram.

2. Resubbitted cases are cases that were sent back to the applicants for additional information, and then rediled. INS has proposed a requistory change to stop returning cases, and instead hold them and request additional avidence. As a result, cases will only be counted once regardless of processing steps.

3. Does not include reses sent back to applicants (returned) for additional information.

4. Includes Naturalization non-files.

5. The level of adjudications work remoted to immigration Inspectors at ports-of-entry will remain constant. File level of adjudications do not always equal the change in the pending level because it does not referred and asylum offices are not counted as competitions, but the increasing volume of such uncounted workload has a slight negative effect the lapplication for more evidential, and now presere the applications before forwarding them to the Asylum Corps for addidication. Projected productivity is based on analysis of the impact of several factors; but the change in productivity is based on analysis of the impact of several factors; training and on-site training plus there is a projected at 90 percent of several factor of the filest year. Initial clark pear. Initial clark pear of productivity is projected at 90 percent of axisting staff factors; auch as influences and complaints, and has to divert productivity for the first year.

Projected production resources and the length of time increases before a case is processed, the service associated with servicing pending cases. As service service associated with servicing pending cases that any has a consisted with resulting pending cases that a complaints, and the service associated with servicing pending cases to a detail of the minimal contractors in the equation are:

Service Center projection: Projected 5 percent productivity increase by existing staff, but the hiring of new staff requiring a period of training and closer supervision diminishes this overall productivity increase.
Field Office projection: Projected productivity increase is offset by the hiring initiatives and necessary training, but the overall level is maintained at the 1991 level because the TPS applications are less time consuming. 1992-1993

Service Center projection: Projected 5 percent productivity increase by existing staff again offset by cost of servicing backlog and the effect of a large increase in untrained staff. Field office projection: Increase in productivity levels as automation capability of Direct Mail is implemented, but partially offset due to mix of casework shifting to more time consuming cases requiring interviews.

Service Center projection: Projected 5 percent productivity increase is partially offset by additional untrained staff, but the lower backlog reduces time spent responding to inquiries, file searches, etc. Field Office projection: Productivity increases are offeet by the loss of support staff and function transfers to Service Centers. However, completions are slightly higher than 1994 due to fully trained officers and enhanced automation capabilities. 1995

	1993	Approp	riation									
	Ž	ticipa	ted	19	94 Ba	entine	199	4 Bati	mate	Incres	d/es/	6Cr0486
	Perm.			Perm.			Perm.			Perm.		
	Poer	걸	Pos. WX Amount	Post	걺	Pos. hr Amount	Pos.	Ħ	Pos. WX Amount	POR. MY Amount	Ħ	Amount
national Affairs Outreach 412 471 \$39,804 412 472 \$40,761 475 497 \$44,540 63 25 \$3,779	412	471	\$39,804	412	472	\$40,761	475	497	544,540	63	25	83,779

LONG-RANGE GOAL: To approve qualified applicants for refuges status and for admission into the United States; adjudicate petitions and applications for benefits under the immigration and Nationality Act (INA); and verify claims on applications and petitions by conducting immigration investigations. Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing.

MAJOR OBJECTIVES: Coordinate with United States missions abroad and represent United States immigration policy interests concerns to foreign governments, international organizations, and private voluntary agencies.

Receive and adjudicate applications for persons requesting entry into the United States as refugees accordance with the INA and yearly consultations between the President and Congress.

Adjudicate applications and patitions for benefits applied for under the INA from individuals seeking admission into the United States as immigrants.

Provide planning, coordination, review, and evaluation of the Service's asylum program. Promptly consistently adjudicate asylum claims from allens who are not in exclusion or deportation proceedings.

Setablish relationships conducive to the collection and dissemination of information of importance to the United

BASE PROGRAM DESCRIPTION: The function of this program is to adjudicate refugee applications, process paroless, conduct investigations for preference and relative visa petitions, and conduct other records checks and background investigations as required at overseas Service offices. Offices assigned to this program provide assistance of citizens and lawful permanent residents abroad regarding adoptions, immigration or parole of alien spouses and children, and other benefits into the U.S. for deserving individuals, and coordinate with the Coast Guard on the asylum screening process of the Alien Migrant Interdiction Program.

The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refuges", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Rather, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations were published in June 1980 and remained in effect until superseded by new asylum regulations signed by the Attorney General and published as a final rule in the Federal Register of July 27, 1990. They took effect on October 1, 1990.

With the implementation of the new regulations on October 1, 1990, conduct of the asylum interview process is limited to members of the Asylum Officers Corps. The Asylum Officers are centrally managed from the INS Headquarters and are located at seven sites throughout the country. These officers travel throughout the nation performing asylum interviews. Support activities at the seven sites and Headquarters are provided by clerical personnel who perform deta updates, mail, file, and correspondence work. A quality control function is performed by supervisory personnel located on site and by Asylum Officers at Headquarters.

<u>ACCOMPLISHMENTS AND WORKLOAD</u>: Accomplishments of the International Affairs and Outreach program are presented in the following table:

				Estimate
Lien	1881	7887	1993	1994
Refuges Applications: Bending basing	20.349	17.555	14.348	346. AE
	123.492	133.786	160,000	160,000
Completed	126,306	136,996	140,000	140,000
Pending end	17,555	14,345	34,345	54,345
Adjudications: Pending beginning	6,091	5,919	7,658	7,658
Received	25,054	24,593	24,500	24,500
)			Retimate
Item	1881	1992	1993	1994
Pending end	5,919	7,658	7,658	7,658
Investigations:				
Pending beginning	2,777	1,803	1,915	1,897
Necety ved.	4,322	4,801	258,4	008,4
Pending end	1,803	1,915	1,897	1,897
Parole: Receipts/Completed	5,436	3,859	4,200	4,700
Asylum adjudications:				000
Pengang beganning	60,600	103,447	195,000	150,000
Completed	22,889	22,674	40,000	001,11
Pending end	134,999	215,772	370,772	443,072

Explanations

Asylum receipts in 1992 reflect the filling of applications by 60,000 direct registrants under the <u>American</u> B<u>aptist Churches v. Thornburgh (ABC)</u> settlement agreement. The Deferred Enforced Departure (DED) program

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extended TPS for 190,000 Salvadoran registrants. These individuals will qualify for ABC at the end of the DED program, scheduled for June 30,1993. It is expected that they will file for asylum during 1993 and 1994. The number of backlogged asylum cases that must be processed may be lower than indicated because some may no longer be active, and it is believed that some of the extating applicants are among those who will be re-applying under the ABC settlement. INS is in the process of determining the status of pending cases.

Completions in 1992 would have been significantly higher if asylum officers had not been diverted to the Guantanamo Bay Naval Base in Cuba to pre-screen Haitians who were interdicted by the U.S. Coart Guard. At times, more than one third of the Asylum Officer Corps (AOC) was detailed to Cuba for this processing. As of September 17, 1992, the AOC conducted 36,956 pre-screening interviews during this high profile operation.

On April 2, 1991, the Service opened seven asylum offices around the country under the final rule of asylum which had been published in July 1990. The original Asylum offices Corps (ACC) consisted of 82 offices and 14 supervisors. In March 1992 the AOC was expanded to 150 offices and 24 supervisors to meet heavy workload demands. The seven offices are located in Arington, Virginia, Chicago, Illinois; Houston, Taxas; Los Angeles, California, Buring 1991 the Headquarters Asylum Branch developed a comprehensive training program for the AOC which covered the following main topics: pertinent immigration law, regulations, policies, procedures and precedent legal decisions; ourrent human rights conditions around the world; cross-cultural interviewing techniques; and, decision writing. Approximately 100 offices have been trained including 15 Asylum Officers, 16 Refuges Officers, and 70 officers from district offices and service centers.

During 1992 the AOC and Headquarters personnel have participated in the processing of Haitian nationals who have been interdicted by the U.S. Coast Guard. Under this process, the AOC has conducted prescreening interviews and made determinations on the cases. Personnel from the AOC have also performed the quality assurance procedures for this program. Headquarters personnel have been detailed to Cuba to oversee and coordinate Service operations with other government agencies involved in the effort. As of September 17, 1992, the AOC conducted 36,596 pre-screening interviews during this operation.

In mid-Pebruary 1992, INS began the in-country processing of Haitian refugee applicants. On May 24, 1992, the President issued an Executive Order opening the in-country processing program to all Haitians who beliaved themselves to be at risk in their homeland. By the end of the fiscal year, 2,179 applicants had been interviewed for refugee status, with 234 or 10.7 percent approved. During the first quarter of FY 1993, 865 applicants had been processed, with 67, or 8 percent, approved.

A Resource Information Center (RIC), responsible for maintaining up-to-date information on country conditions worldwide, has been established. Specialized training and various databases and materials have been designed and developed by the RIC to provide information on an ongoing basis to the AOC. Topics covered are country conditions and international law, as well as other pertinent issues. During the Haltian crisis, the RIC staff gathered information on the latest conditions and events in Halti from a wide variety of sources and produced 18 separate "Information Packets" for use by Asylum Officers stationed in Guantanamo.

Beginning in the second quarter of FY 1993, the interview rate in Hoscow was lowered from 96 to 84 interviews per day. Even at this reduced rate, INS officers will interview approximately 66,000 retugee applicants from the 15 republics of the former Soviet Union before the end of the fiscal year. In recent years, Moscow approval rates remain above 95 percent. The relatively small numbers of persons denied refugee status are

processing of Soviet refuges The States. offered public interest parole as a means of coming to the United applicants is expected to continue through 1994. In 1992, the Mexico City District, in conjunction with the Detention and Deportation program, participated in a Mexican interior, repatriated, during a three-month plot project, directly to Mexico City. Pour of the group had outstanding criminal warrants in Mexico and were detained and tried by Mexican authorities.

PROGRAM CHANGES:	199	4 Base	eline	199	4 Est	mate	Incre	d/and	SCREABE
	Post	¥	Pos. WX Amount	Post	ΗX	Pos. WX Amount	Poe.	X	Pos. WY Amount
International Affairs and Outreach	412	472	412 472 \$40,761 475 497 \$44,540 63 25 \$3,779	475	497	\$44,540	63	52	\$3,779

The program enhancement request for the International Affairs and Outreach program for 1994 is 63 positions, 33 workyears, and \$3,779,000. This enhancement is partially offset by a reduction of 8 workyears to meet targeted staffing levels of the Administration.

An incremse of 59 positions (36 officers), 30 workyears, and \$3,209,000 is requested to adjudicate <u>ABC</u> and backlog cases. The Asylum Program, mandated by the July 1990 final asylum rule, began work with 82 Asylum officers on April 2, 1991. By this time, the Service had an estimated backlog of up to 141,000 cases. Hany of these cases had been interviewed, and recommended for denial. Others were also class members of <u>ABC</u> or <u>Mendez</u> lawsuits. Still others had not yet been interviewed. It is estimated that approximately 80,000 of these 141,000 cases in the backlog will require interviews.

During 1992, Asylum Officers were detailed to Guantanamo Bay, Cuba, to serve as Asylum Pre-Screening Officers. This diversion of resources necessary to respond to the Maitian situation resulted in fewer than expected case complations in 1992, thus further increasing the backlog of cases.

In 1992, INS agreed to offer to re-interview anyone previously interviewed for whom no final decision had been issued. Those cases for which the re-interviewes failed to respond will be administratively closed. Those who respond and attend their interviews will be adjudicated according to the procedures and standards of the July 1990 final asylum rule. The re-interview offer will be disseminated during FY 1993.

Following the provisions of the ABC settlement agreement, approximately 150,000 applications will have to be interviewed/re-interviewed by the settlement's traget date of Juns 1994. These 150,000 cases consists of 60,000 direct registrations at the Headquarters Asylum Branch (10,000 Salvadorans and 50,000 Gustemalans) and another 90,000 Salvadoran TPS beneficiaries who choose to file with ABC under the terms of the settlement agreement. The ABC registration process was completed in 1992. Although there is no apposition requirement for INS to act expeditionally to interview/re-interview the ABC class members, there is a deadline of June 1994 after which the plaintiffs may sue due to lack of good faith in implementing the settlement agreement.

An increase of 1 position, 1 workyear, and \$60,000 is requested for one Refugee Officer, for the Refugee Division. The Division is currently composed of two officers and one clerk. This three-person unit is understaffed to carry out its role effectively, i.e., to (a) sneure that INS officers correctly and uniformly

apply the definition of refugee set forth in 101(a)42 of the INA, and (b) to serve as the Service's point of contact for the public and other Federal agencies on refugee policy and issues. The nature of the unit's workload is presented in the following:

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Policy formulation and review of all proposed new and revised refuges policies--both those internal to this and those proposed by congressional or other external sources. As refuges situations are continually in flux and require ongoing adjustments, policy formulation and revision consumes the majority of the unit's evaluable time.

t t Program review of refugee policy adjustments to ensure that programs are operating according to guidelines issued, and that refugee adjudications are consistent with worldwide standards.

Training of INS officers prior to being stationed overseas.

Information. Responding to telephone and written inquiries from the general public, other Federal agencies, and the Congress. In addition, Refugee Division officers represent INS at private sector, Congressional and interagency meetings/briefings to explain refugee policy and procedures.

Liaison. Refuges Division staff attend interagency meetings on refuges processing matters; coordinate quidance to staff members of the U.S. Coordinate that concern refuges processing provide information and quidance to staff members of the U.S. Coordinator for Refuges Affairs, staff members of the Bureau 'or Refuges Programs, and numerous country deak officers at the Department of State; respond to the Questions and concerns of National and international non-government organizations involved in the U.S. refuges program, e.g., the United National High Commissioner for Refuges. The International Organization for Highelion, and the U.S. Catholic Conference; respond to refuges resettlement; prepare testimony processing from the U.S. Public Health Service and the Office of Refuges Resettlement; prepare testimony and other materials for Congressional hearings on refuges issues; answer refuges-falated questions from INS district offices, both domestic and overseas; and work closely with the Washington Processing Center, the Resource Information Center, and Headquarters programs on issues that involve refuges matters.

With the requested additional position, the Refugee Division could ensure better monitoring of IMS's refugee program overseas, thus increasing the likelihood that arriving refugees and their documentation would pose few problems for IMS inspectors. Further, fully-trained and informed refugee officers will be better able to screen out those applicants who have no claim to refugee status, but simply seek to use the U.S. refugee program as a manigration channel. In addition, the Refugee Division will be able to respond more quickly to information requests from IMS domestic and overseas offices as well as Congress.

An increase of 3 positions, 2 workyears, and \$510,000 is requested for completion of the INS Resource Information Center (RIC). The establishment of an independent documentation and information resource center was included in the July 1990 (final asylum rule to address criticism that the previous reliance of asylum patial guidicators on State Department advisory opinions resulted in biased decisions due to forsign policy perspectives being interjected into INS asylum eligibility determinations.

A case has been made -- by advocates, by plaintiffs in various lawsuits, and in the INS Basic Law Manual -- that justifiable asylum adjudications cannot be made without reference to the human rights situation in an applicant's country of origin through consultation of up-to-date reporting on country conditions. Without such information readily available through the RIC or from other non-INS sources, Asylum Officers have only two choices:

Undertake lengthy and time-consuming searches among various already-printed human rights reports which, for the most part, were not written for specific use by Asylum Officers; or

Complete asylum adjudications without consulting country conditions references and information.

To adopt the former option would seriously decrease overall per-Officer productivity and hamper efforts to achieve the Commissioner's stated objective of 90-day case completions for all current receipts; to adopt the latter option would be to ignore the mandate of the new regulations and open the Asylum Officer Corps and its consequent adjudications to the kind of criticisms the new regulations were intended to prevent.

With the proposed enhancement, it is anticipated that the RIC will be completely operational, with a large and on-going collection of resource materials, all necessary automation and software to complete and maintain databases, and aufficient permanent and expert contract staff on board to complete and enhance country condition databases by the end of 1994. Asylum Officers will be able to access those databases at their workstations.

In addition to country conditions reports, "Alerts" and "Perspectives" will be written for evolving situations. Where possible, the RIC will tis into on-going world-wide efforts. Production of these materials will fulfill the requirements under the final asylum rule.

Activity: Immigration Support

	1993 Appropriat Anticipated	opriation pated	Perm.	994 B&		19 erm.	8	1994 Estimate	Incre	Q/ 38 8	ecresse
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106		,916	49,916 72 68	89	34,863	113 94	5		‡	56	10,315
Records Management 736 856 57, struction and		189	57, 189 736	801	51,359	189	814		53	13	8,766
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169 1,021 113,419		130	#68 #68	924	92,681	974	896	113,131	100	12	20,450

This activity includes the resources for communications, records management, automated data processing, legal proceedings and the alien documentation program.

	A	Appropr	Intion ad	61	24 Bas	eline	199	4 Eat	mate	Incre	d/es	PCKEANS	
POR. HY ABOUNT POR. HY ABOUNT POR. HY ABOUNT POR. HY ABOUNT	Poe.	¥	Pos. WX Amount	Post	Ħ	Amount	Por.	Ħ	Amount	Kor.	걸	Amount	
gg	22	50	\$3,070	22	20	\$3,153	33	25	\$4,522	==	60	\$1,369	
Control Control	, the had	1	17 1 1 1 1	1					4			1	

epequ u LONG-RANGE GOAL: To establish and maintain an employee development system that meets the and individual employees and complies with regulatory requirements.

HAJOR OBJECTIVES:

To provide administrative support to the basic training of all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs associated with the Immigration Examinations Fee activities.

BASE PROGRAM DESCRIPTION: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations legislation, or organizational needs. The program is alocomplished in a variety of ways: through in-Service training at the Federal Law Enforcement Training Center facilities (FLETO) at Olynov, decorgia (basic officer training) and at Artesia's, New Mexico (journeymen officer training); through programs conducted by other Federal agencies) by private contractors; or in combined presentations using Service and non-Service resources.

PROGRAM CHANGES:	199	4 Bass	line	199	4 Beti	nate	Incre	d/881	Crease
	Pos.	Ħ	Pos. WX Amount	Post	걸	Pos. WX Amount	POR. MX Amount	걸	Amount
Training	22	20	\$3,153	33	25	22 20 \$3,153 33 25 \$4,522 11 5 \$1,369	11	'n	\$1,369

The total program enhancement request for the Training Program for 1994 is 11 positions, 5 workyears, and \$1,369,000. The details of this request are described below.

Leadership Development

This request includes \$331,000 for Leadership Development. Recent studies by the Department of Justice and the General Accounting Office have faulted the Service for inadequate supervisory, managerial and executive development. The Service has received significant increases in officer corps personnel since 1885 and has placed priority on basic training. The Service for advanced supervisory, managerial and executive training has taken a lower priority. The implementation of IMMACT 90 training last year further execebated the situation. The Service developed a long-term strategic plan to improve Leadership Development. This request enables the Service to fully implement this plan.

These resources will be used to implement the Leadership Development Program to mest the needs of supervisors, managers and executives. This program will establish a goal of having all new supervisors attend basic supervisory training within 12 months and managers complete the Management Development Program 7-week series

within 18 months after appointment. All will subsequently attend a refresher course once svery 2 years. It also involves mandatory participation for executives in leadership and mentorship training and needed enrichment experiences.

In-Service Training

An increase of 5 positions, 2 workyears and \$479,000 is requested for in-service training of Examinations Fee Account personnel. The Service has traditionally provided quality basic training to new officers through the Service planned on properly addressing journeyman and senior officer training needs by scheduling two to three week long officer corps specific formal training for our officers at least once every three years. Regrettably, a backlog of 4,000 officers requiring mandatory advanced training exists, and the average lag between formal training classes remains more than 6 years. At current and projected funding levels, the objective of achieving a lag of no more than 3 years may never be attained. For this reason, the development of a continuing post-of-duty or In-Service Training Program is even more critical for the Service.

The resources requested will allow the In-Service Training Program to puraue the additional training approaches that will build the professionalism of INS officers, keep pace with changes in the law and advances in technology, and standardize operations across the service. A separate unit will be set up within the Training Division. This unit will consist of officer corps personnel who will be subject matter experts and course developers and will train the trainers in the field. They will be supported by multimedia programmers, video producers, and training specialists in order to assure the cost-effective use of cutting-edge technology in this critical program. The unit will produce standardized, high-quality, training materials; videotapes; and computer based training modules, which will be used in field training activities throughout the Service.

Basic and Advanced Officer Corps Training

An increase of 6 positions, 3 workyears, and \$559,000 is requested to increase Immigration Office Academy (IOA) staff for training of Examinations Fee Account funded personnel. As the Officer Corps has continued to grow, the IOA staff has not kept pace. Greater and greater demands are placed on the IOA at Glynco and Artesta, resulting in staggering increases in the number of detailed instructors. As detailed instructor; increase, quality suffers.

The resources requested will provide the following:

ADP Course Developers - two ADP instructors will ensure that INS personnel receive quality training to enable them to access Service data bases, use software to write memoranda, reports, and record statistical data, and perform their ADP-related duties in a competent, effective manner.

Spanish Instructors - Two additional spanish instructors will enable the Academy to progress towards its goal of having a permanent full-time staff. These positions will enable the Academy to continue a comprehensive training program and provide for continuity within the Spanish Department.

Advanced Training Course Developers - Two positions will be dedicated to the advanced training of examiners. These instructors will develop courses and provide specialized training in the areas of examinations related immigration and nationality law, regulation, and policy; fraud and civil penalty violations; public image and professionalism; and Freedom of Information and Privacy Acts.

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Decrease	Pos. WY Amount	41 26 \$10,315
7000	걸	56
Incr	Poe	7
imate	Poe. WX Amount	94 \$45,178
4 Est	Ħ	96
1994 Estimate	Por	113
1994 Baseline	Pos. MX Amount	\$34,863
24 Ba	Ħ	89
67	Poli	72 68
priation	MX Amount	\$49,916
Anticipated	덫	106
1993	Poll	pmunications 72
		200

Data & Com

LONG-RANGE GOAL: To establish, improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems provide pursuant to the Strategic Plan for Information systems; provide the optimal level of automation support; provide communications to support all of INS's informational needs; provide and issue alien identification documents (ID) and provide an automated ID varification systems; provide radio and electronics equipment and systems required by INS to support its law enforcement functions; promote the sharing of information with other Federal agencias to reduce the paperwork burden, to both the public and INS; and provide technological quidance in support of all INS operations.

MAJOR OBJECTIVES: Install and maintain INS's major Examinations support systems throughout the Service as related to the Immigration Examinations Fee Account.

Implement the Information Architecture study to improve, design and develop automated data processing (ADP) based systems and data bases related to the programs funded under the Immigration Examinations Fee Account.

mprove the quality, reliability, interconnection, maintenance, and the accessibility of existing database

Improve the efficiency and effectiveness of voice and data communications throughout the Service as related to the Immigration Examinations Fee Account.

Provide office automation support for word processing, local tracking, analysis, and electronic mail as related to the Immigration Examinations Fee Account.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronic capabilities as related to the Immigration Examinations Fee

BASE PROGRAM DESCRIPTION: The function of this program is to provide direct support to the Service's operational organizations as well as administrative support functions in the areas of ADP and communication systems. This includes: (1) improving the effectiveness and efficiency of Service functions through the use of computer resources in information processing; (2) providing for the operation of data and communications networks; and (3) maintaining the cost effective production and issuance of secure aliens identification cards.

<u>ACCOMPLISHMENTS AND WORKLOAD</u>. Workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the followings

I. ADP SYSTEMS

1. Systems Planning: The 1994 request represents the seventh year for the INS automation program as defined in the Automated Information Systems (AIS) Strategic Plan. An INS Information Architecture study completed in 1991 provides the framework for improving, designing and developing agency information systems. A parallel analysis, the Office Automation and Access project, also completed in 1991, defines the basic platform of equipment, networks, and communication links to support access to, and use of automated systems. The Department of Justice computer centers continue to be the primary facilities for centralized ADP processing for the Service.

INS initiated the Personal Morkstation Acquisition (PMAC) to procure Office Automation/End User Tier Automation Platform, the essential underlying technology base that must be implemented in INS offices to provide access to INS databases.

the Adjudications program. In 1991, the Service initiated development of the Computer Linked Application the Adjudications program. In 1991, the Service initiated development of the Computer Linked Application Information Management System (CIAINS). CLANS is a massive system consolidation effort aimed at combining existing Examination support systems and providing automated support of the Direct Mail program. Such system (IARES) and Amendment System (IARES), the Legalization Adjustment Processing System (IARES), the Legalization Adjustment Processing System (IARES), the Employment Authorization Comment System, (IARES), the Employment Authorization and maintenance of the systems identified above (until consolidation), the Student/Schools System (STSC), the production of Employment Authorization Cards, LARE system operations in support of the Special Agricultural Worker aspect of the Immigration Reform and Control Act of 1986, and the necessary adjustments to systems as required to support the IMMACT 90 legislation and the Green Card Replacement Program.

II. ALIEN DOCUMENTATION

The Immigration Card Facility produces the Legal Permanent Resident (I-551) and the Border Crossing Card (BCC). Haximum annual card production on one shift is 2 million cards. In 1990, 2,000,084 I-551's and BCC's were produced. In 1991, 1,850,117 and in 1992, 2,041,968 cards were produced. In 1993, it is estimated that 1,800,000 cards will be produced at the facility.

Not included in the above card production activities is the I-551 card production in support of the Green Card Replacement Program with an estimated 550,000 cards to be processed for the program.

III. DATA COMMUNICATIONS

The Service's data communications network (INSINC) has been expanded to support 275 sites allowing for immediate access to INS systems on the Justice Data Center's mainframe computers.

Work is being initiated on the installation of Data Communication facilities necessary to provide foreign office operations with access to INS Centralized Systems.

PROGRAM CHANGES:	199	4 Base	eline	199	EST	mate	Incre	7000	Decrease	
	Poe.	Ħ	Pos. MX Amount	Poe.	Ħ	Poe. HX Amount	Pos	겈	POS. MX AMOUNT	
Data & Communications	72	68	68 \$34,863	113	\$	94 \$45,178	7	5 6	26 \$10,315	

The program enhancement request for the Data and Communications program for 1994 is 41 positions, 28 workyears, and \$10,315,000. This is partially offeet by a reduction of 2 workyears to meet targeted staffing levels of the Administration.

Operations and Maintenance of the Systems Infrastructure (16 positions, 14 workyears, and \$9,923,000)

This request represents continued operation of programs that are critical to the mission accomplishment of INS. They are at the core of every day operations and allow INS personnel to take advantage of a variety of technologies in doing the work of the agency. The acquisition of automation technology during the last decade has meant that INS has been in a better position to cope with increasing workload and realize some cost savings as well, because automation provides the means for processing work in a more orderly and efficient manner.

Still, the agency must confront the enormous and costly effects that this new automation has brought to the work environment. The first is that the more INS invests in additional systems with their related communications, hardware and software, the more it will have to make the necessary investment in basic infrastructure maintenance. This not only includes basic hardware/software repair and servicing, but also includes costs required for replacement when the normal cycle for this occurs. A secund and more prominent factor which is now being faced by INS is that as personnel begin to take greater advantage of these tools, there is a corresponding additional cost in running the systems. As systems enable one area to produce more, it has a corresponding effect in another area where the work is often passed on.

a increasing of running For 1994, INS is asking for increases in three principal programs that relate to these themes: 1) the requirement to maintain the systems infrastructure; 2) expanding workload effects on the costs (systems; and 3) the need to maintain the gains realized from recent program growth.

Discussion of Enhancement Request

1a) - DoD Replacement

For the last two years, INS has benefitted from the detail of DoD personnel, who in turn have allowed INS to embark upon areas of systems technology development and expansion that hitherto had remained unexplored due to a shortage of funds and personnel. Their contribution to the Examinations program includes support for immigration ard production technology activities, including card imaging and data transfer to the Justice Data Center mainframe systems.

to replace these be to ensure that In order to maintain the momentum of these efforts, INS will require program increases personnel when their details end. One of the most important tasks for these personnel will

1b) - Technical Services

initiative.

A variety of factors are contributing to the need to increase technical service capacity. Increases in costs for ADP equipment operations and maintenance are directly related to planned acquisation of ADP equipment in 1992 and 1993. With the award of the Personal Workstation Acquisition (PWAC), INS will secure a vehicle to modernize its data processing equipment and implement ecommendations of the Information Systems Architecture plan. The number of workstations will grow from less than 6,000 to over 13,000. The implementation of the new Information for the commendation of action of the new of the implementation of the new of the largest base of automation and technology will result in non-discretionary cost increases for the management and maintenance of the INS ADP equipment inventory, acquisition of support services, mainframe processing at the Justice Data Centers, operations and ADP security. A total of 1 position, 1 workyear, and \$2,823,000 are requested for this initiative.

1c) - Immigration Card Production

Since the Immigration Act of 1990, the Immigration Card Pacility has had a dramatic increase in workload over the workload experienced prior to the Immigration Reform and Control Act of 1986. Under INMACT90, the number of immigrant visae has increased from 355,000 per year to almost 500,000 per year; adjustment of status cases have increased by 50 percent over previous levels. Additionally, with more and more I-551's being produced annually, the number of replacement cards increases proportionally. The ICF's costs are continually rising due in part to increases in production and additional requirements placed on the contractor.

Personnel increases will sustain the present level of operations. Several of the positions were originally granted as temporary positions to cover the increases in workload caused by the Legalization program; however, since INHACT90, the increased workload levels will not be reduced. Current estimates of 1994 production required at the ICF are 1.5 to 1.6 million cards as opposed to the 1993 funding level of 400,000, therefore an additional 13 positions, 12 workyears, and \$6,000,000 are required in order to support 1994 production levels.

Without the continual upgrading and maintenance of the automation infra-structure, INS program efforts will considerably diminished. Many of these programs contribute directly to the ability to service clientele in efficient manner.

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2) - Information Architecture (25 positions, 12 workyears, and \$1,392,000)

Through the Information Architecture Plan, INS has updated its systems planning efforts to provide for an integrated systems approach that will modernize the INS automation environment, place less realiance on independent systems development, and fully realize the benefits of the latest emerging technologies for information capture and storage. The Information Architecture is intended to facilitate Service operations by:

Automating Alien file (A-file) and other information in order to reduce the Service's reliance hardcopy files for examination and enforcement operations;

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- Improving integration and accessibility of information systems and databases by designing systems so that information resides where it is most often needed and by providing access to information by all elements of the Service who require it for their operations; ٥
- Improving and standardizing facilities and services for capture, collection, and maintenance of information of both local and national significance;

0

- Providing a standardized, effective and "user-friendly" technology environment for the end users of information; 0
- Providing an appropriate and effective support infrastructure to ensure the availability and reliability and 0

All INS programs are dependent upon increased productivity through more effective use of automation. Current inadequate and aging systems have hampered INS operations. INS offices must be provided efficient and effective automated tools to facilitate service operations, process workload backlogs, and provide appropriate service to the public. Current aging and non-integrated systems cost more than necessary to operate and maintain.

In 1991, an Office Automation study to determine, define and document INS requirements for end user tier platforms and configurations was completed. During 1992, a competitive procurement of automation hardware support was initiated based on the documented requirements of INS offices. This acquisition will allow the Service to begin a five year effort to modernize the Service's ADP hardware infrastructure. In 1993 through 1997, INS will acquire and install ADP equipment in INS offices servicewide.

This enhancement request supports the implementation of the systems and equipment identified by the Information Architecture, as well as the required planning, management and systems integration disciplines necessary to guide the systems development and implementation efforts. The requested resources will be used for acquisition and installation of local tier automation equipment, software, and local area networks using the PMAC acquisition.

The requested positions will provide field support for the installation of automation platforms at new sites, training, ongoing monitoring, operations and maintenance activities and other support services associated with these platforms.

All of these initiatives involve systems efforts and when completed, will do away with individual casework systems and allow for sharing of data across programs. Failure to fund these initiatives will prevent INS from replacing old and inefficient equipment, minimizing system redundancies, and eliminating hard copy files.

		Perm.	Appropria	riation	Perm.	94 Baseline	1994 Baseline	Perm.	4 Est	1994 Estimate	Increase/Decrease	77 98 1	crease
Information as	pu	7873	2		100	Į.	ZUNOMV.	100	Ħ		101	1	Amount
Records Manageme	a gement	736	856	\$57,189	736 801	801	\$51,359	189	814	\$60,125	53 13 \$8,76(13	\$8,766

LONG-ENAKE COLLS: To provide complete and accurate information in a timely and professional manner to the Service, other Federal, State and local government agencies, and to the public on immigration Procedures, policies, plans, activities, status, benefits and eligibility, including provisions of the immigration Reform and control Act of 1996 (IRCA) and the Immigration Act of 1990 (IMMACT 90); conduct and administer Servicewide information services and records programs designed to provide support to INS's operating components and other formation services and records programs designed to provide support to INS's operating components and other To ensure the reliability and integrity of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing endocting and correspondence throughout INS.

MAJOR OBJECTIVES: Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Insure Servicewide compliance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy

Respond to 85 percent of all telephone inquiries from the public within three minutes, all in-person inquiries from the public within 15 minutes, and all written inquiries received from the public within 20 days.

Develop and install advanced automated telephone systems to improve the public's access to immigration Information

Respond to information and status requests from INS operating components, other Federal Government agencies, State and local governments, law enforcement agencies, and the public.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, maintenence, processing and retrieval.

Improve the control, accountability and availability of INS's manual and automated records through improved systems and procedures, and provide training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate, timely, effective and efficient issuance, dissemination and distribution of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement systems and ensure timeliness, accuracy, quality and completeness of all INS statistical data.

Develop, analyze, and publish timely, high-quality immigrant and nonimmigrant statistics in annusi statistical yearbooks, special bullatins, and reports for policy making at agency and national levels.

Betablish and maintain liaison with Federal and State agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Ensure that the latest technologies are used in maintaining record keeping systems to be responsive to law enforcement officials who detect, arrest, combat fraud, and remove criminal aliens as soon as possible.

Fully implement the telephone verification system (TVS) program.

Improve the Systematic Alien Verification of Entitlements (SAVE) database that will allow the Service to fully implement the needs regarding agreements between the SAVE program and the Federal, State and local agencies.

Continue to acquire and maintain liaison with new agencies as they express an interest to use the SAVE program.

pass PROGRAM DESCRIPTION: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, state and Federal agencies; and the various branches of government, by telephone, in-person, and in writing, (2) maintain alian records and files from which data may be readily obtained to requests from both in and outside the Service; (3) devalop guidelines, policies and procedures and responses to FOIA/PA requests; (4) Compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accompilablements; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with satablished Federal regulations and laws; and (6) monitor and ensure internal compilance to standards for systems and Service delivery.

ACCONFISHMENTS AND MORKLOAD: Accomplishments of the Information and Records Management program are presented in the following table:

Item	1991	1992	1993	
Information Services Induiries				
Correspondence:				
On-Hand. Boy.	:	5,970	14,623	22,
New Recelbits	:	273,052	321,074	364,0
Completions	:	264,399	313,600	364,
On-Hand, BOY	:	14,623	22,097	22,
Telephonei	,			•
Immigration Info Tel System	:	3,936,664	4,714,780	5,503,
Immigration Telephone System (Other)	:	172,439	166,600	156,0
INS "800" Telephone System	:	327,759	392,000	442,
In Person!			4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Appl. Process - Accepted	:	754,817	904,050	4,444
Appl. Process - Not Accepted	:	2,413,721	2,842,000	3,016,
Records Services-				

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feeing, data entry, mail processing . 1993 represents the first year of contract services to 1/. 1993 rep maintenance. As of Saptember 1992, Immigration Information (II) Telephone systems at 62 field offices were enhanced and upgraded. All II Telephone systems now provide callers with the ability to telephonically request INS forms through a voice mail feature. A separate completely automated Immigration Information "INS 800" telephone system continued to operate providing toll-free information nationwide to callers on the major provisions of the new immigration laws, processing over five million calle as of April 1992. In July 1992 the INS 800 was also upgraded with the capability to accept forms requests. In its first six months of operations through Pebruary 1993, 166,877 forms requests were received by "INS 800".

The Alien Files Accountability and Control System (AFACS) has now been installed at 39 sites (24 file control offices (FCO's) under the Local Area Networks (LANS) and 15 FCO's under the mini-computer networks); thus, expanding the population of A-files under control of AFACS to approximately 90 percent of all active alien files. With the expansion also came a conversion of the AFACS platform to a LAN environment, connected to the national systems through its interface with the Central Index System. The functionality of AFACS has been enhanced to include tracking and processing of receipt files (called RAFACS) and other Service forms.

A prototype text information management system (called ALAMS) which captures information on INS Service Law Books and the Administrative Manual (policies, directives, regulations, Statutes, instructions, and forms) using Compact Disk (CD) Read only Memory (ROM) technology, was devaloped and successfully tested in both the stand alone and the local area network environments at INS Meadquarters in the first half of 1991. In the second half of 1991. In the second half of 1991, a second prototype disk, using an upgraded application software (Microsoft Windows), was tested and evaluated. In the second quarter of 1992, the CD-PKOK technology was successfully tested at the Phosnix District Office, using the PC AFACS platform in both the network and the stand alone environments. The application was installed on the Office Automation Network (OA LAN) at the Philadelphia District Office and was successfully

accessed by over 80 microcomputers slaved to the OA LAN. There were no instances of the system's degradation or malfunction during the access and use of the application. All participants in the test were extremely pleased and enthusiastic about the capabilities and the benefits offered by the prototype application. CD-ROM is related the Information Architecture through the network services, as part of the collection and distribution services of Administration data. During 1993 the application was successfully tested in the local area network systems environment at Headquarters. It is planned to expand the application during the fourth quarter of 1993 beyond the prototype stage to the INB operational environment.

A total of 151 sets of postage metering equipment have been installed and the required staffs have been trained on its use. The installations and training have been done in accordance with the requirements of the U.S. Postal Service. INS has made its final order for 38 sets of mailing equipment which is planned to be received and installed prior to the end of 1993. This has completed the procurement of mailing equipment for the larger offices. The 119 smaller offices have been provided for by using penalty mail stamped envelopes.

Customer Management Information Systems (CMIS) were upgraded at 20 locations and the newest version of CMIS was installed at 8 additional sites. This is an automated tickting and control system which directs customers to the proper Immigration Information Officer based on the nature of the customer needs. Installation of the CMIS equipment has resulted in significant decreases in customer wait times and lines at the 28 locations.

Centers. This four Service 5 the RAFACS at the obtain information o £ 5 automated telephonic inquiry enhancement the RAFACS (called TIERS) enables callers nd petitions. Installed the aughbencement to thapplications and

(ICF) ICF. from Implemented an alien card transaction inquiry on-line narrative system at the Immigration Card Facility (
to respond to inquiries on the production attue of Alien Registration and Border Crossing Cards at the
Since operations began in August 1992, the on-line narrative system has received over 30,000 calls a month
INS operatives regarding the production status of alien cards. INS calls this activity ACTION.

An electronic Document Imaging Prototype System has also been developed. It is comprised of optical disk storage devices, an optical scanner for imaging and character recognition capabilities, bar code technology, and electronic image transmissions. The prototype effort, previously tested in a laboratory environment, is now in the process of an evaluation in an operational setting. This is seen as a possible alternative to certain labor-intensive data entry and data/image retrieval operations. It is anticipated that over 300,000 paper files will be destroyed as a result of this prototype effort.

directly support the image storage and data moves away from reliance on paper files, the an index between electronically imaged files The imaging and optical character recognition capabilities will collection pillars of the Information Architecture (IA). As INS AFACS platform will play a relational support role by providing and the location of the hard copy files. A new system of filing Alien Files was implemented during the second half of 1992, it is called the Responsible Party Filing System (RPFS). This system was an enhanced use of existing AFACS/RAFACS technology at the field offices to increase productivity. The prototype test of the new filing system was implemented at the Philadelphia District office. Evaluation of the new system during the test has revealed increased productivity

over the Terminal Digit System which is currently in use at most INS field offices. The RPFS is now in use at several field offices and it is projected that the system will be implemented at all of the larger field offices during the next several months.

PROGRAM CHANGES:	199	Base	1994 Baseline	199	4 EBE	1994 Estimate	Increase/Decre	0/881	ecrease	
	Perm. Poe.	Ħ	Perm. Pos. WX Amount	Perm. Poe.	첉	Pos. HX Amount	Perm.	Ä	Perm. Ros. MX Amount	
Information and Records Management	736 801	801	\$51,359 789 814 \$60,125	789	814	\$60,125	53 13 \$8,766	13	\$8,766	

The program enhancement request for the Information and Records program for 1994 is 53 positions, 27 workysars and 58,766,000. This is partially offset by a reduction of 14 workysars to mest targeted staffing levels of the Administration.

The Information and Records Hanagement program has struggled to cope with the growing workloads of the past decade. As the workload has grown, so has the corresponding demand by the public for information on the laws, requistions, and services. Early in the 1980's INS realized that it could no longer solely rely on personnel increases to address workloads. Basically, INS moved in three parallel directions to cope with the increasing demands for our services and forms transcription and distribution services were centralized to gain economies of scalej and lastly 3) information and Records Hanagement program adopted a variety of innovative technological solutions as a means of replacing the need for personnel. All of these efforts bore impressive results and allowed into produce far more with essentially the same workforce. The Immigration Reform and Control Act of 1986 and legislation introduce new programs, but they contained major national program, but one control Act of 1986 and legislation introduce new programs, but they contained major national programs that generated immediate demands for more information and record-keeping. The intense effort that went into meeting the demands of the Legalization program and later, the temporary protective status for central Americans, not only means that the Information and Records Management program faces greater workloads, but also results in some of its current workload having to be deferred. Hany of these new programs will also have further workload effects as family

The Information and Records Management program is impacted by demands in the current environment. Technology can help, but it can go only so far in meeting the worklo.' demands. Until further alternatives are found for satisfying the public's demand for information, the Info. action and Records Management program will continue to face increasing requests for live assistance.

1) - An increase of 50 positions, 25 workyears and \$1,914,000 are requested for staffing at the telephone centers. This increase is requested for Immigration Information Officers (IIO's) at the telephone service centers. These additional resources will improve information dissemination to the general public, and reduce the telephone workload at the district offices , allowing the over burdened Immigration Information Officers to devote more time to the public information counters and correspondence workloads.

2) - An increase of 3 positions, 2 workyears and \$152,000 are requested for forms reduction and the Paperwork Reduction Act. This increase will provide program and management analysts for the workload associated with the issuance of updates to the Service's operational and administrative directives, publications of Federal

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Construction and Engineering..... 1

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Regulations, and the design and publication of forms. There are currently six positions devoted to thase functions. Various reports and audits have confirmed that the IMS has not been able to keep pace with the issuance of directives and publication of regulations and forms.

An additional \$6,700,000 is requested for the records contract at the service centers. The additional contractual support Services will be required as a result of Direct Mail (DM) III implementation workloads.

The added Immigration Information Officer personnel will increase the capability to disseminate information to the public and greatly improve telephone services. Also, the added IIO's will make possible a reduction in the current hold time for telephone responses. The approve of this request should cut hold times in half. Further, the added staffing for forms and directives man stand will assist IMB in the control of forms development and in the reduction in the approximately 1,200 IMB forms and other unneeded directives and regulations which will impact the Paparoxim Reduction Afforms for the Service. Improvements in forms control and directives will allow the IMB to meet entablished short deadlines for publishing regulations, forms, and reports directed by the Congress, and the Attorney General, and also providing forms to the public.

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Laste	Pos. Mx Assunt
1994 Estimate	걸
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1994 Baseline	POE. MX Amount
224 84	걸
٦	Pos
prietion	POR. WX Amount
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LONG BANDE CODE: To provide adequate facilities for all IMS operating units so that they can fulfill their requirements to administer the Immigration and Mationality Act.

MAJOR CRIECTIVES: Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

BASE PROGRAM DESCRIPTION: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the service is the owning or lessing agency. Space is acquired through the General Services Administration (GSA), by lesse and by INS construction.

ACCOMPLIANCING AND WORKLOAD: The responsibilities of the Construction and Engineering program in the appropriated account for GEA billings and 87-81 (request for space) are similar to those in the Examinations Fee account, except that adjudications and naturalisation-related space activities are funded by the Examinations Fee account. In 1992, 60 Requests for Space (87-81/144) were sent to GEA. These 87-81/144 requests are increases in space, relocations of offices, revisions to existing space, consolidation of operations, and GEA-mandated moves.

	1993 A	1993 Appropriati	5	4	24 Page	Mark	7	194 Retia	1994 Baseline 1994 Estimate Indrease/Degreese	Incre	Q/881	GKEREE
	100	Ħ	Pos. IX Amount	102	Ħ	Amount	100	Ħ	Amount	100	Ħ	MOUNT
Legal Proceedings 38 38 \$3,071 38 34 \$3,128 38 34 \$3,128	*	=	\$3,071	38	ž	\$3,128	2	3.6	\$3,128	:	:	: :
LONG RANGE GOAL: To provide legal representation for the United States Government in all cases and matters	provide	legal	represent	at ion 1	or the	United	States	Governmen	ot in all	800	Pu	atters

LONG RANGE COLL: To provide legal representation for related to the Immigration Examinations Fee Account.

MANON CAURCILYEE: Provide legal support and representation in regard to asylum, rescission, contested naturalisation, visa petitions and adjustment of status cases.

BASE PROGRAM DESCRIPTION: INStattorneys represent the Service in asylum and naturalization cases.

ACCONFIGNORIA AND MORELAND: Accomplishments of the Legal Proceedings program are presented in the following table:

J.E.m.	/1 1881	1992	1993	1994
Cases Prepared	27,618	24,427	24,500	21,930
Attorney Appearances for: Administrative Relief in Asylus Cases	27,983	23,957	23,960	21,440
Other Administrative Relief	18,593	22,758	22,760	20,370
Necketon Cases	133	262	265	240
Legal Briefs Prepared	3,562	3.068	3,070	2,750
Total Work Units	78,096	74,472	74,555	66, 730

1/ Changed to reflect revised workload indicators.

Activity: Program Direction

	Q.	Ficina	Anticipated	18	24 848	eline	199	4 Ret L	MEG	Incre	M/988	BCKGARG	
	100	Ħ	Amount	Poli	Ħ	POR. MY AMOUNT POR. MY AMOUNT POR. MY AMOUNT	Sol.	Ħ	Amount	j	Ħ	Amount	
Management and Administration 87 75 \$13,514 87 87 \$9,628 149 119 \$12,977 62 32 \$3,349	19	75	\$13,514	87	87	\$9,628	149	119	\$12,977	8	32	\$3,349	
This activity provides for the overell stainterston and senemests of the Service		4	arell admin	******	4	,400000000	4	25.0	2				

LONG RANGE GOAL: To formulate and coordinate meaningful and consistent management policies and direction throughout all levels of the Service; to provide management direction to field units that implement major policy

and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

MANOR CREATIVES. Provide for continuity, and control of the overall management and administration of IMS.

Direct implementation of Servicewide policy and ensure its offective and uniform application.

Provide management direction to field units on implementation of IMS policy and initiatives.

Improve agency responsiveness through continued enhancement of management systems including:

- Maintaining and refining delegations of authority and roquirements for accountability for Mational policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
- Continuing to emphasise and institutionalize IMS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation.

Provide program direction for the personnel, equal opportunity, budget, accounting, procurement, property management, and support services.

Provide vehicle support services.

Provide for the full range of security, safety and health support activities.

for the implementation and operation of regional and field activities and functions to those managers and for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs (2) To execute the provisions of the immigration and Mationality Act and related policies through the development and implementation of immigration programs and services and implementation of distriction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Included in this program are duties related to providing assentive direction and control of the Services furnishing socurate and prompt responses management systems, particistics conducting internal investigations, providing international responses to frequent inquiries of GAO, Old, Old, Old and Departmental investigations, providing internating the program systems to improve the effectiveness of Service programs. The major administrative functions within the program annualment, security, safety and health, and other miscullaneous general services that support all program management.

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te of the Management and Administration progr	
Pud	
Management	
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1 Accomplishments	
CHPLISHERTS AND MOREGOAD.	•
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•	1887	741	141	Letiante 1994
Personnel: 1/ Personnel Articus	15,600	10.715	20,000	20,000
Parities of Persons Hired	418	744	1,314	2,014
Position Deview Requests	1,500	1,000	3,018	3,018
Advece and Biociplinary Actions	174	500 200 200 200 200 200 200 200 200 200	212	228
Uniols Lebot Fraction Charges	=	.	2 ;	2
Velocities of the second of th	36, 96 • 60 • 60 • 60 • 60 • 60 • 60 • 60 • 6	39,000	**************************************	44,000
Billian: BDO Brainstions and Acet Bunt. Officials.	:	106	263	232
200 bleeriningtion Complaints	1,430	1,840	1,019	2,016
and Collateral Daty	•	•	•	•

In 1993, a greater than sormal increase in the number of personnel actions processed is antidipated due to: (1) the projected increase in the size of the uncritecte based on the Attorney General's 1992 history in lateral cortex for the Bervios and (2) implementation of the organizational changes in beth the operations and Management organizations resulting from the 1992 Department-approved Servicevide reorganization. 7

These statistics are for the workload in the Examinations for Account only. In some eases, the nature of the workload being measured does not allow for breakdown by account. This decision unit supports all programs Servicewide and a single action will often include Salaries and Expenses, Examinations for and Inspections User for activities. 4

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	102	걸	Pecual	182	벌	Packat	á	보	A COUNTY
Management and Administration	•	2	\$9,628	\$	119	67 67 89,626 149 119 \$12,977 62 32 \$3,349	3	2	\$3,349
The tetal program enhancement request for the Management and Administration program for 1994 is 62 positions, 32 workyears, and \$3,349,000. The Department of Justice and 18s management has made resolving serious	Manage ent of	Just Lo	A Adminis	tration	Prode	has made	A Le 62 resolvi	Ž,	tions,

understäffing of the management and administration activities, particularly at field and regional offices, a high priority for the Bervice. The staffing levels in these administrative offices in these locations have not increased proportionately to the workload increases and staffing of operational programs. The problem has

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received serious study from both IMS and other government sources. These studies recommended increased staffing in the functional areas of accounting, budget, personnel, property management, procurement, audits and security. The details of this request are described below.

District Office Meinletrative Support

An increase of 36 positions, 18 workyears, and \$1,500,000 is requested to provide administrative support to the district offices. The Immigration and Maturalisation Service district offices are sevarely understaffed in the administrative services in the district offices includes staffing, departments are services in the district offices includes staffing, administrative supporty management, supply, adverse actions, bond accountability, health and safety, personnel suitability, fiscal and budget activities. The current structure is inadequate to meet existing workload in many of the district offices.

This enhancement will allow the Service to:

- Enhance the organization climate by improving the ability of the Service to achieve total quality management and doing the job right the first time. 0
- ş ç Adequately staff the units, thereby reducing employee turnover, enriching the potential career ladder support employees, improving effectiveness of purchasing (simultaneously reducing costs), minimising lapse time in filling of positions and improving service to the public. 0
- Provide enhanced administrative services allowing for improved efficiency and effectiveness application of operational resources. 0

Contracting Program

An increase of 7 positions, 4 workyears, and \$147,000 is requested to improve the Service's contracting program. Oversight authorities from the Department, both Office of the Inspector General and Office of the Procurement Escoutive, have identified several areas within the procurement function which requires intensive and on-going remedial attention. The Competition in Contracting Act of 1984 requires implementation of the Competition Advocacy Program, Advance Procurement Plan (APP) central review implementation of the Competition acquisitions under \$25,000 for consolidating purchases and products and services by an anor contract action. The reviews by the Department of Justice of the Procurement Escoutive have identified a lack of implementation or improvements in meeting minimum statutory APP requirements for implements evenly throughout the fiscal year. In 1991 and 1992, the APP process was determined to be a material weathress under the Pedral Hanagers Financial Integrity APP and one Circulation determined to be a material described deriving implements and DNN Orders direct Service implementation and institutionalization of competition advocacy and APP programs. Additionally, DNN recognises that automation of procurement processes, which include controlling, monitoring and tracking of acquisitions, is essential for efficient analysis and competition

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This increase will enable the service to devote resources to those increase areas identified for corrective actions. This includes contract administration and close-out, properly employed advance procurement planning and the use of other than full and open competition, and the establishment of a cost and price analysis section within the Contracting Branch.

The Contracting program will be able to provide closer and more timely attention to significant issues that surface during the planning, award and administration phases. These resources will also add a professional capability that will enhance the ferrior's ability to both satisfy oversight concerns and withstand the increasing number of applications and other forms of challenge affecting all Federal contracting activities. In addition, this increase will allow IME to correct deficiencies in central and quarterly review processes evaluate and eliminate per-aquilation criteria that are barriers to competition; implication and conceins that are barriers to competition; and provide training regarding APP responsibilities. The Service anticipates substantial savings stemming from increased competition and economies inherent in the consolidation of like requirements.

Sonnel Staffing

An increase of 13 positions, 6 workyears, and \$743,000 is requested to meet the Service's needs. Previous analysis of workload and positions in the Personnel program has documented that position resources have not kept pace with workload based on the number of employees in IMS services by the five operating personnel offices.

This increase will provide staff resources for: new pay administration responsibilities resulting from the implementation of the Federal Employee's Pay Comparability Act; new payrol; responsibilities resulting from the conversion of the 188's payrol; system to the Nathonal Finance Center's payrol; and personnel system; the reseatable/ment of a Service-wide Personnel Management Evaluation Program and to meet increased staffing lavels provided to the Service as a result of the Attorney General's reprogramming implemented in 1992.

Equal Employment Opportunity Program

An increase of 4 positions, 2 workyears, and \$157,000 is requested. Currently, there are two positions allocated to investigation. Alternative Dispute Resolution Module is staffed on a collateral duty basis with no full-time resources devoted to the process.

These resources are required to provide adequate resources for complaint processing and to comply with the provisions of the revised Federal regulations 29 CFR 1614 (effective October 1, 1992).

The following chart illustrates the growth of the complaint inventory from 1987 through 1992:

	148	Precomoleint	Compleinte	Compleint
Xeax	Morkforce	Counseling	Filed	Inventory
1987	15,069	101	81	189
1988	17,946	108	693	242
1989	17,624	185	106	270
1990	. 17,250	237	122	301
1991	17,610	283	124	399
1992	16,583	360	143	067

On October 1, 1992, the Equal Employment Opportunity Commissioner's (EBCC) new regulations on complaint processing (29 CPR 1614) became effective. Under Part 1614, EBCC requires the processing agency to complete Complete Processing utility in 180 days of formal formal processing accounting the processing agency is required to desconstrate its ability to conduct fair and prompt investigations within 180 days in order to receive certification from EBOC to conduct investigations. Pallure to meet the veguired time frames will result in advorce inference against the processing agency isoluding findings of discrimination based on the lack of supporting data. The result of such action could cost IRE millions of dollars in back pay. Complaints are presently assigned to a contract investigative firm at an average cost of \$3,200 per complaint.

Currently, using collateral duty personnel, the average processing times for counseling and investigation 60 and 288 days, respectively.

ŝ The resources requested will enable the Office of EBO, Discrimination Complaints Branch to accomplish following objectives:

- o Meduce backlog in complaint activity at the most crucial points of the process.
- Increase savings to the Service by resolving complaints of discrimination at an early stage in the complaint process. Increase savings to the Service by reducing the amount of time spent in processing complaints. . •
 - to come into full compliance with 29 CFR 1614 by processing complaints within the prescribed processing time. 0

One full-time Investigator will be placed in each region. The Investigators will report to the Meadquarters Office of EEO (MGEEO), so that there is not a conflict of interest. The field Investigators will be assigned all complaints within that region for investigation.

This will eliminate time delays associated with investigations, enabling INS to process complaints much faster. Also, the overall quality of the investigative report will improve. A collateral duty investigator completes an average of two complaints per year, whereas, a full-time investigator can investigate as many as 24 complaints per year.

In 1992, 49 complaints were investigated by two full-time investigators. Twenty-two complaints were completed by one full-time Investigator and 27 were completed by the other. In addition, the average time for the collateral duty Investigators to complete an investigation was 268 days, whereas the full-time Investigators completed cases within 18 to 30 days. With the addition of four full-time Investigators (one is each Region) these Investigators could complete an average of 160 complaints per year for the first full year of operations.

Monitor and Supervise Examinations Fee Account

The Office of Finance requests 1 position, 1 workyear, and \$61,000 to monitor and supervise fee accounts. Wesknesses in the management of the Examinations fee account have been addressed by the Office of the Inspector

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. . . General, Department of Justice, and the General Accounting Office. The Office of Management and Budget cited this area as a "High Risk Area" and the INS Office of Finance has the lead responsibility for management of the Fee accounts.

The requested Examinations Pee position would facilitate:

- Refinements in Examinations Fee revenue estimating and monitoring procedures.
- More frequent and thorough analysis of projected revenue and costs versus actual revenue and costs facilitate timely adjustments in allocations or studies to adjust see levels.

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Annual and more thorough analysis of the adequacy of the Examination Fee levels.

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- Periodic and more detailed examination of the propriety of the costs charged to the fee accounts. 0
- Timely rulemakings and legislative proposals to generate relabursement for services not currently billed, and the adjustment of current fees based on cost studies. 0

Increased Accounting Controls Over Examination Fee Accounting

An increase of 1 position, 1 workyear and \$55,000 is requested for increased accounting controls. Examinations Pee Account revenue will nearly triple - from \$118 million in 1990 to a projected \$345 million in 1994. Related fees are collected as applications for immigration benefits filed at four Service Centers and 33 district offices. Deposite are generally made to the Treasury via a commercial (lockbox) bank. This broad base of cash collections, deposits, financial recordation, reconciliations, and reporting requires that stringent internal controls are in place to prevent waste, fraud, and abuse.

Currently, less than 1/4 of a workyear is available to ensure that essential controls are in place and working

This Examinations Fee position increase will facilitate:

- Monitorship to ensure that proper fees are collected and that all collected fees are promptly deposited ٥
- Continual reconciliation to ensure that the Examinations Ree Account is balanced and that INS Tressury books of account agree. 0
- Improved reporting to enhance account management and to highlight problems as they develop for corrective actions. 0
- o Periodic review and evaluation of the accounting process related to Examinations Pee

Replacement Vehicles

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Included in this request is an additional \$486,000 to replace 25 vehicles that exceed established vehicle replacement schedules. Establishing an Examinations Tee Account base of \$486,000 provides a cycle for replacing approximately 25 percent or 25 of the 101 vehicles assigned to Examinations Fee Account programs, annually.

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Immigration and Maturalisation Service

J. S.

Immigration Examinations For

Justification of Multi-Activity Program Changes (Dollars in thousands)

Item: Program Degramme

	1881		1994 FTE Reduction	
•	Pos	Ħ	Amount	
pections	:	7	:	
udications and Maturalisation	:	-38	:	
ernational Affairs	:	7	:	
and Communications Systems	:	7	:	
prinction and Records Management	1	7	1	
ocal	:	7	:	

The reduction of 61 workyears in the proposed budget can be absorbed with minimal disruption of services. reductions in force (RIF) will be required.

The reduction of 2 workyears in the Inspections program will have a negligible impact on the adjudications work that is processed by Immigration Inspectors at land border ports-of-entry during traffic "down-time".

The reduction of 35 workyears in the Adjudications and Naturalization program will be offest by an increase of 165 positions, 110 workyears and \$14,749,000. This additional funding will provide resources to continue the malti-year effort to improve services to persons applying for immigration and nationality benefits. This includes resources for the organization and expansion of Service Centers and the Direct Mail program which are critical elements in plans to process high volumes of applications efficiently and effectively.

The reduction of 8 workyears in the International Affairs program will be offset by an increase of 63 positions, 33 workyears and \$3.779,000. This increase will allow expansion of the Asylum Officer Corps to address existing backlogs, expand the Resource Information Center to provide improved country condition information and provide additional resources for the Refugee program.

The reduction of 2 workyears in the Data and Communications program will be offset by an increase of 53 positions, 28 workyears and \$10,315,000. This increase will ensure the continued operations, development and maintenance of computer systems that are critical to the mission accomplishment of the Service in this Account, as well as provide for an integrated systems approach that will modernise the IMS automation environment, place less reliance on independent systems development, and fully realize the benefits of emerging technologies for information capture and storage.

The reduction of 14 workyears in the information and Records Management program will be offset by an increase of 53 positions, 27 workyears and 88,766,000. This increase will enhance staffing at telephone service centers, allow improvements in forms control and directives, and provide additional contractual support to process increased workloads at service centers resulting from implementation of birect Mail III.

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Amigration and Netwalization Service	gration Examinations Fee	Anahata - Program Changes	Dollars in thousands)
in market and		Financial An	

			1	mprove	mprove Service to the Public	1 to The	Public			
	Adjud	Adjud & Netz	Setuges &	Overseas	Train	Training	A ated	Comm	A ohn	Info & Records
Test.	8	Amount	Poe. Amount	Amount	8	Amount	Pos. Amou	Amount	8	Amount
Chades					l					
GE/GM - 14	:	:	_	198	:	:	:		:	:
G8/GM-19	:	•	•	8	O	3	•		•	
68-12	:	:	3	22	•	23	8	81.128	: :	
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Other personnel compensation		***	311	***	***
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Immigration and Naturalization Service Immigration Examinations Fee Priority Ranking Fiscal Year 1994

Dase Program		Program incresses	
Program	du	Program	Rankin
Adjudications and Naturalization Servic	-	Adjudications and Naturalization	
International Affairs and Outreach	-	International Affairs and Outreach	
Information and Records Management	Q	Data and Communications	•,
Data and Communications	Q	Information and Records Management	•
Management and Administration	ო	Inspections	¥,
Training	<u>ო</u>	Management and Administration	•
Inspections	က	Training	_
Investigations	က	Intelligence	a
Intelligence	ო	Construction and Engineering	3
Legal Proceedings	4		
Construction and Engineering	4		

immigration and Mahanitadion Beobsimmigration Essenbedoos Fee Deed of Engageset Positions to Calegory

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	Market Beatless ASTA	188	LAT	000	615	1,510
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	Consess Administration and Chapter (200 - 200)	1,574	(100)	000	3	•
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	Fordy Park.	200	2104	2,614	E	Ĭ
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	Total Section of the Commission of the Commissio	1991	200	200		5

Immigration and Naturalization Service

immigration Examinations Fee

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(equations)	Pem.	Work-	Amon
1993 as Enacled	3,875	6 00' 7	\$337,41
1993 workyear reduction. 1993 Appropriation Anticipated.	3,878	98	337,41
Adjustments to bese: Linkingard FTF's	;	7	
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Foreign Allowances	: :	: :	
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Unemployment Compensation - Redistribution	:		
General Services Administration (GSA) Rent	:	:	8
Postal Equipment Purchases	:	:	ä
Poetal Equipment Rental/Maintenance	:	:	
Poetal Contract Services	:	:	
Poetal Under Reported Postage Use	:	ŧ	3
Distributed Administrative Support (DAS)	:		E
General Pricing Level Adjustments	3	3	2761
Total, mandatory increases	:	3	=
Decreases:			
Nomecurring costs of equipment and background investigations	:	:	98,9
Nonsecuring costs of reimbur sable agreements with EOIR and CRS	:	:	1,550
Norrecurring decreases associated with completton of Green Card			
Replacement Program	#		28,500
1048, 086/64866	9 P. H.		
1964 Beatine	3.875	3,820	306.12
Program increases	8	176	42,400
1994 Request	4,271	4,035	347.8

Immigration and Naturalization Bendoe Immigration Examinations Fee Autification of Adustments to the Base (Dollars in thousands)

(Increses):			ZEEC	Amount
y envettedon	***************************************			\$1,516
ly annualization represents enty first quarter amounts (October through December) of the 1983 3.7 percent pay increase to in January of 1983 plus appropriate personnel benefits (51,175,000 pay and \$341,000 benefits).	rcent pay inor	•		
grade Increase.			ŧ	1,266
quest provides for the expected increse in costs of within-grade incresee. This incresse is based on an acurate, dynamic	n an acurate, o	lymamile		
of the Department e employee population which includes numerous factors such as anticipated pay raises, adjustments	les e, adjustme	ŧ		
de three-year atmitent/esparation rates, and career ladder series to refect promotion policy for each organization. The	vgenization. 1	2		
i includes SSSE, 000 for pay and \$300, 000 for benefits.				
sedon of 220 additional positions approved in 1963.			<u>5</u>	200,7
owides for the annualization of 220 additional positions approved by Congress for 1963 for the inspections, International	one internetio	3		
and Otherwish Date and Commissional Indian about and Boundary and Management and Administration accounts		1		
				-
Approx	Approved 1963 Annuelization	nuelization		
SE	noreases	Regulred		
ual exiary rate of 220 approved positions	\$5026	:		
	-3.065	75000		
	2.201	3,005		

	PIGE BROOM	Peculos
Annual salary rate of 220 approved positions	\$5826 \$5826	•
Less Labor	-3,066	9900
Net Compensation	2,261	3,005
Other employee benefits	216	=
Associated employee benefits	92	1,429
Travel	8	8
OSA Port.	2	3
Communications/Utilities	8	28
Other Berdest.	8	:
	2	8
Equipment	476	***
Total coats subject to Annualization	4,336	7,002

A Health benefits.

The Federal Employees Health Benefits Act (P.L. 83–248) provided that the Government's share of health insurance would be 80 person of the benefits better that the benefits better that the benefits better the best benefit is seen and the season of the season of

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12. Postal — under—mysolid postage treep. The current amounts mention used by the U.S. Postal Earlies for asseming postage of postally mad not not designed to provide a legit hour of providents and have been they because. Been an actual aspectation of Postall agenties who have dready exceeded to the discussion of the provident of the discussion of the postage occits will increase by 22 — possat to 52 — possat. This have not in mostal designe cost containment measures in include discussion of actual measures are applicable of the possat to 52 — possat of a possat	:
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14. Consent prints loved adjustment. This requires a cycle of Daring Sections on of Lone S. 1881, to extend expense competer. The increased count influence result from experiment speciments between the control of th	196'8
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Immisration and Naturalization between Immisration and Naturalization Examinations Fee Summary of Installers mental by Cande and Object Gleen Parts 1988 and Object Gleen

	1992 Actual	Actual	1960 April 1960 April 1960	1968 Appropriation Anticipated	1	1994 Estimate		here and Decrease
Grades and salary ranges	Position & Workreams	Ameunt	Postion & Workream	Ameud	Position &	Amount	Meditors A	Ameun
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044/08 - 15, 800,000 - 85,680	5		<u>a</u>		=		: :	
OHI/08 - 14, 866,027 - 73,619	3		Z		*		-	
OM/08-13, 647,820-82,288	2		2		200		=	
08-/2, 640,296-62,396	363		42		2		2	
08-11. 633.623-43.712	3		1.023		#		ā	
08-0. 827,786-34,123	560		2		418		2	
08-4. 62£ 186-12 710.	•		•		•		; =	
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GE-E 120 443-24 577	2		1		3		; :	
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GE-4. 816.265-21.207.	â		9		Ŕ		; :	
G8-2. 814.803-14.804.	4		3		4		: :	
08-2. 812.382-16.843.	-		: -		-		: :	
Tetal, positione	3,561	\$112,762	3,078	8118,018	4,871	182,961	3	13,382
Pay above stated arrowal rates	:	3	•	\$	•	3	:	=
	-1,263	- 36,651	-307	-7,610	-484	-10,676	-117	-3,0
Barings due to lower pay seals part of year	:	:	:	-1,176	•		:	R
Net full-time permanent	2,308	76,886	3,64	110,000	3.007	182.841	83	11,688
Other then permanent:								
Temperary employment	*	10,880	‡	14,387	=	7,867	34	-7,000
Other personnel compensation:								
Over the second	232	7.47	ž	7,860	2	9.0	=	3
Administratively uncontrolleble evertime	\$	1,312	‡	1,01	\$	10.	:	2
Other eorgeneater	ē	2	=	2	=	•	:	\$
Speeld personal services payments	:	8	:	2	Ē	8		Ξ
Total, workysars and personnel compensation	2,88	94,676	4,878	134,778	919/9	140,006	\$	96.0
Average ES Salery		(\$89,500)		1582,800		2007,100		
Average GE/GM Balary		(\$32,406)		1830,679		(\$32,437)		
Average 08/0M Grade		9.6				3		

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Immigration and behaviolation Service immigration Emerications Fee Avenuery of Broukements Mr Orada and Object Class (Dollars in thousands)

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Object Class	Herbrers	Amount	Wertereers	Amend	Westerners	American	Werterers	Amount
11.1 Pull-time permental.	200	84,85	3,6	8110,000	2,847	18.30 18.30	8	911,562
11.3 Other then hall-time permenent	3	0	Ŧì	A	21	Ž.	ą :	2
11.8 Second sensoral perfect named.	¥ :	R	i [:]	9	•	9	2 :	E 3
Total, werkycen and personnel compensation	2,046	86,578	4,378	14,78	4,418	140,048	9	3
12 Personal benefits		\$10.03		27,387		***		2,16,
Profes in Section 1		2		1,407		-		2
21 Trans and transportation of persons		8.7.8		7.857		ş		200'
Transportation of Chings		*		===		<u>-</u>		æ
21 024 Notes		18,286				N N		7,767
20.2 Rental payments to others		2,086		=======================================		į		Ē
20.3 Comm., williss and miss, charges		73.		7.410		7		-
24 Paring and reproductor.		2,174		2		Ž		,
SE Other services		88,974		=======================================		100,000		-12,731
20 Ougelies and metedath		6,28		3		ş		1,477
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48 Interest and diddends		-		:1		: 1		•
Total outgetten.		CHOCK		207/418		80,04		10,114
Relation of abilipations to surface:								
Total chilpsions		200,043		217,716		247,528		
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		AMA AAA		277		200 000		

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hetification o	Justification of Program and Performance	
ustification o	Justification of Adjustments to the Base	
lunes of Beaut	Summary of Becuirements by Grade and Object Class	

Immigration and Maturalization Service

Land Border Inspection Fee

AMMARY Statement

Fiscal Year 1994

The Land Border Inspection Fee account was authorised in Section 210 of the Department of Justice Appropriations Act, 1991 (P.L. 101-515). The Act authorises the Attorney General to establish, by regulation, pilot projects under which fees may be charged and collected for inspection services provided at one or more land border portsty to study the feasibility of charging fees to enhance services at land border ports-of-entry. The regulations indicate that the projects may include the establishment of commuter lanes to be made available to pre-qualified United States oftisens and aliens.

Currently, the Immigration and Maturalization Service (IMS) is operating a test pilot site in Blaine, Mashington, and studying several potential sites for additional pilot projects.

The authorisation for the Land Border Inspection Fee project terminates on September 30, 1993, unless it is extended by the Congress. Due to unforesen coordination problems with other Government agencies and foreign governments, it has taken longer to implement the Land Border Inspection Fee project than originally satistications the Instance in the Instance of the End Border Inspection Fee project the originally settember 30, 1996, to permit sufficient time to implement additional test pilot sites at a number of different border locations to enable the IRS to thoroughly study the fessibility of charging fees to enhance services at land Border User Fee funding has been spent on such items as personnel, overtime, equipment, and minor facility modifications.

Immigration and Naturalization Service
Land Border Inspection Fee
Crosswalk of 1993 Changes
(Dollars in thousands)

Activity/Program Activity/Program Pos. WY Amt. Pos. WY	niation ad	Amt.	31 \$4,000
Spresident's Reprogrammings WY Amt. Pos. WY Amt.	Appropriicipat	≩ .	8
3 \$4.000	1983 A	Pos.	;
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3 President's 1get Request WY Amt. 31 \$4,000	gramm	≩	:
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Activity/Program Enforcement Inspections	1993 Budg	Pos.	
		;	Inspections

Description

immigration and Neturalization Senice
Land Border Inspection Fire.
Summary of Reculuments
(collers in thousands)

	1902 Actual	Anticipated	1904 Estimate
Finnaira		SURGER I	STEENING TO
Unapproprieted balance, start of year	2	183	<u>5</u>
Total assistant for appropriately	#\$	9	900
Acorpation	3	90	8
Unappropriated balance evallable, and of year	8	8	68
Obligations by program			
Enforcement:			
Inpectors	2	4 000	3
Total obligations	\$	00,4	100

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\$1,0**6**

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\$4,000

A March Sec.

immigration and Naturalization Service

Land Border Inspection Fee

Summary of Requirements (Dollars in thousands)

Ingresse/Degresse	Ingreses/	1994 Request	188	1994 Baseline	199	1993 Approprietion Antisipated	1993 Api	1992 Actual	188	1992 as Enacted	1992	
4,00,4	: 5											1964 basins
Š	ñ				***************************************			***************************************				1904 base
æ		***************************************					***************************************		***************************************	***************************************		Total mandatory increases
5	3										¥	General pricing level adjustment
22	:			***************************************								1993 pay annuakzation
1 ,000	.											1993 appropriation anticipated
Amount	Work-											

Immigration and Naturalization Service Land Border Inspection Fee. Base Comparison (Dottars in thousands)

	Anici of	roprieton peted	<u>\$</u>	1994 Base	1994 Baseline	SE LINE	Increase	/Decresse
	¥	Amt	¥	Amt	X	Amt	¥	Amt
Enforcement: Inspections	5	64 ,000	9	100'1	8	400,4	÷	:

15 A. - 17 mg.

Immigration and Naturalization Service Land Border Inspection Fee Justification of Program and Performance Activity Resource Summary (Dollars in Thousands)

Activity: Enforcement

	Apt	Terpet	Anticipated	287	4 BAR	Maria	3	d Beth	nte	Ingree	40/44	ZKRABA.	
	Poe	Ħ		2	걸	POR. HX AMOUNT POR. HX AMOUNT POR. HX AMOUNT	1	벎	Amount	100	Ħ	Amenat	
pections 31 \$4,000	:	31		:	31	\$6,094	:	2	\$4,094	:	7	:	
GRANGE CONT. Beaute that the aution of small deats for states into the Inited States is controlled in a menner		4	i Cons do so se	, = 40.00	40	to to to	of the	1	,, et sets.	at 102 400	5		

<u>LONG-RANGE GOAL</u>: Ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the Mational interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

NAJOR OBJECTIVES: Establish Land Border Inspection Fee Pilot projects that will expand the number of inspectors at specific test locations, facilitate traffic flow, and provide more efficient service to the public.

Inspect (in cooperation with other federal agencies) applicants for admission into the United States.

Pacilitate the entry of qualified persons through ports-of-entry.

Prevent the entry of inadmissible applicants through ports-of-entry.

Detect fraudulent documents including those reprusenting false claims to United States citizenship or permanent residence status and seize conveyances used for illegal entry.

ACCONFLISHMENTS AND WORKLOAD: Accomplishments of the Inspections program are presented in the following table:

Retinate	1924	3,575,000
	1993	1,950,000
	25:22	00)'059
	1881	56,290
	Iten	Vehicles Inspected-Land Border Fee

Explanation. During 1991, INS developed the initial test prototype for the Blaine, Mashington port-of-entry. The Blaine commuter facilitation involves, on an annual basis, issuance of special express lane passes to an estimated 20,000 vehicles. As of September 28, 1992, 18,927 passes had been issued at Blaine, generating nearly \$473,175 in fees. These vehicles are low tisk frequent crossers and represent an average of 15 percent of the total vehicle efficient processed annually at Blaine. Permit vehicles are funnelled through special express lanes to allow for more efficient processing into the United States.

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The first Dedicated Commuter Lane (DCL) in Blaine, Washington, opened on June 15, 1991. The actual crossings for 1991 were 56,290. During 1992, the number of participance in Blaine rose as did the frequency of crossing, with the resulting number of which pass through the DCL being approximately 650,000. The number of DCL webicle expected in 1993, predicated on having four DCLs operative during the fiscal year, is approximately 1,950,000. In 1994, should eight DCLs be open, such crossings would rise to approximately 3,600,000.

After initial analysis of the results of the Blaine commuter test, IMS believes that further use of the Isad Border Pee concept is warranted. While the dedicated commuter lane (DCL) can be used to facilitate traffic at ports-of-entry, it is not practical to implement DCL'S at every port-of-entry. Considerations for determining DCL locations includes availability of a low risk, frequent border crossing population; addequate infrastructure, such as roads and additional lanes, that will permit implementation without negative impact on existing impaction lanes while providing the desired aspecified service to the target population; and local community support. Additional test projects will be estected and developed in conjunction with the U.S. Customs Service and are scheduled for implementation during 1993. Projected receipts and obligations totaling an estimated \$4,000,000 contained in this Boutget request for 1994 are based on 160,000 fee participants at multiple pilot locations on the Morthern and southern borders.

Use of special express facilities by commuters, staffed and equipped with resources collected through imposing a \$25 annual fee, is expected both to improve service to the frequent crossers and alleviate the traffic load passing through the main port requiring full inspection processing.

The DCL Program enables local frequent border crossers who choose to participate in the pilot project to move quickly across the international border into the United States. At the same time, by removing this population from the regular lanes, higher risk crossers, along with persons who cross less frequently or who may be applying for entry into the United States after traveling from interior regions of Mexico, Central and/or South America, can then be service not normally may be applying system enables all lanes to move more quickly and steadily, thus enhanding service to the public by improving facilitation as well as enforcement capability.

The large increases in traffic expected at land border ports-of-entry as a result of the North American Free Trade Agreement (NAPTA) are predicted to be mostly in the area of commercial vehicles. However, based on the results of the United States/Canada Free Trade Agreement, increases did occur in the cross-border movement of managers and other business people. On the Southern border, cross-border movement of managers and other business-related persons already occurs much more frequently because of the growth of the twin plant (maquila) industries. The success of these twin plant operations often depends on easy access of offices located on both sides of the border. The institution of DCLs in appropriate locations could facilitate this business-related border crossing and thus contribute significantly to the success of the NAFTA at many locations.

Program Changes:	Perm.	P. Bass	1994 Baseline	Perm.	1994 Estimate	Ate	Incres Perm.	ncresse/Decress erm.	CKEARE
Inspections	18 0	当品	Pos. W Amount 31 \$4,094	.	걸음	FOE. WY AMOUNT 30 \$4,094	1 00 :	Ħ ^Ţ	Pot. W Amount

request includes a decrease of one workyear to meet targeted staffing levels of the Administration.

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 1000 pay annualization. 1000 pay annualization represents only the first quarter amount (October through December) of the 1800 3.7 percent pay increase offerfire in January of 1869 pins appropriate benefits (\$11,000 for pay and \$2,000 for benefits = \$13,000). 	2. General Prints Lavel Adjustments. This request applies CMB prints gadance as of June 8, 1988, to selected expense categories. The increased scots identified result from applies CMB prints of 2, 1 percent against these curbined electes where the prices that the Generalment pape are established through the market system has deliver to regulater. Generally, the factor is applied to supplies, marketin, equipment, centrals with the prints contact, publish goods, transportation costs and villes. Builded from the computation are established as established has stready been built into the 1994 outsides.

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				1885 App	rophalion					
	Object Clean	A Carry		Anthony of the Parket	Parent P	-	-	O see a see	****	

	11.3 Other them premients									
	Other part - time and intermittent employment	•	21.5	*	1	8	2	7	900	
	11.5 Other personnel compensation:									
J	Osethe	111	=	=	2	2	2	:	•	
	Total, workyears and personnel compensation	•	ž	3	. 188	3	2	-	9	
	12 Percent benefit.		8		8		8		•	
	23.2 Pertal payments to others		•		-		1"		• :	
	28 Ober cerdes.		•		2,004		2,004		2	
	Standard and souted the commencer co		• •		: 8		1		:•	
	Total chipotone	-	8	3	88	B	1	-	3	
	Painton of obligations to suffere									
	Obligations, ministration and an annual ministration and an annual annua		2		9		***			

Department of Justice Immigration and Maturaliation Service Excepted Bond/Detantion Fund Estimates for Fiscal Year 1994

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Summery 8	Summery Statement		:	:		:			:	:	:
SUMMERY O	Summary of Requirements		:	:		:					:
Base Comp	Base Comparison		:	:		:	:	:	:	:	:
Sumary o	Summary of Resources by Program		:	:	:	:	:	:	:	:	:
Justifica	Justification of Program and Performance	ormance.									
Detention	Detention and Deportation			:		:	:	:	:	:	:
Legal Pi	Legal Proceedings			:		:	:		:	:	
Kanagem	Management and Administration			:		:	:		:	:	:
Financie!	Financial Analysis - Program Changes			:	:	:	:		:	:	:
Datail of	Datail of Permanent Positions by Category	ategory		:	:	:	:	:		:	:
•	Bosses of Berniferments by Grade and Chieff Class.	nd Object	C) age.								3

Immigration and Maturalization Service

Breached Bond/Detention Account

Summery Statement

Piecel Year 1994

The Breached Bond/Detention Account was authorized in Section 112 of the Department of Justice Appropriations Act, 1993 (P.L. 102-195). The Act awards Section 206 of the Immigration and Mationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. All breached cash and surety bonds, in screes of \$6,000,000, posted under the Immigration and Mationality Act of 1952, as amended, which are recovered by the Department of Justice are deposited as offsetting receipts into the Fund resain available, until expended, to the Immigration and Maturalisation Service to cover for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The amounts required to be refunded from the Breached Bond/Detention Fund for fiscal year 1993 and thereafter are to be refunded in accordance with estimates made in the budget request of the Attorney General for those fiscal years. Any proposed changes in the amounts designated in budget requests require notification to the Committees on Appropriations in accordance with section 600 the Immigration and Mationality Act of 1982, as amended. The Attorney General is required to prepare and submit annually to the Congress, statements of the financial condition of the account, including the beginning balance, receipts, refunds to appropriations, transfers to the General Fund, and the ending balance. For fixed year 1993 only, the Attorney General may transfers up to \$1,000,000 from the Immigration User Res Account to the Breached Bond/Detention Fund General Bond/Detention Fund back to the Immigration User Fee Account by December 31, 1993.

An increase of 12 positions, 6 workyears and \$624,000 is requested for the Detention and Deportation program in 1994 to enhance bond management activities in key district offices.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

•	1993 As Enacted	1994 Estimate
Financing Unappropriated balance, start of year. Collections Total available for appropriation Transfer to the General Fund of the U.S. Treasury. Available rivosipts. Unappropriative balance available, end of year.	\$13,000 13,000 - 8,000 	#13,800 13,800 - 8,000 - 5,800
Obligations by program Enforcement: Detention and Deportation	1,040	1,967
Immigration Support: Legal Proceedings	333	328
Program Direction: Management and Administration	3,627	3,574
Total obligations	6,000	2,900

:75'

Immigration and Naturalization Service Breached Bond/Detention Fund Base Comparison (Dollars in thousands)

	256	78 EU	1983 AS EDBC190	1824 DOS	24 02	2						
Estimates by Program	POS.	¥	WY Amt.	8	¥	Pos. WY Amt.	8	¥	WY Amt.	8	XX.	Amt.
Enforcement: Detention and Deportation	8	2	20 10 \$1,040	8	8	20 20 \$1,343	8	8	20 20 \$1,343	:	:	:
Immigration Support: Legal Proceedings	4	8	333	4	*	4 4 359	*	*	4 359	ì	ŝ	:
Program Direction: Management and Administration	2	•	12 6 3,627	21	껰	12 12 3,574	2	21	12 12 3,574	3	3	=
Total objections	8	9	36 18 5,000	8	8	36 36 5,276	8	8	36 36 5,276	÷	:	:

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immigration and Naturalization Service

Breached Bond/Detention Fund

Summary of Resources by Program (Dollars In thousands)

	1993	As En	1993 As Enacted	8	4 Bas	1994 Baseline	8	F Est	1994 Estimate	DC.	increase/Decrease	10880
Estimates by Program	Pos. WY	¥	Amt.	Pos. WY	¥	Y wt	Pos. WY	¥	Amt.	8	Pos. WY	A mt
Detention and Deportation	8	5	10 \$1,040	ୡ	8	20 \$1,343	32	8	\$1,967	2	9	\$6 24
Immigration Support: Legal Proceedings	•	8	333	4	4	4 359	•	•	359	:	:	ŧ
Program Direction: Management and Administration	54	91	3,627	5	2	12 12 3,574	21	24	3,574	B	3	3
Total obligations	8	8	2,000	8	8	5,276	\$	4	2,900	5	9	624
Other workyears: Overtime Total compensable workyears.		∄ ≅			લાજ			101 7			ମ ଓ	

Immigration and Naturalization Service Breached Bond/Detention Account Justification of Frontam and Performance Activity Resource Summary (Dollars in Thousands)

Activity: Enforcement

	222	3017	787		4224 B	BUTTABL		122	COLLEGE	307	1766851	SCE CARO
	Pos.	¥	Amount	Pon	펉	Amount	Polit	보	Amoun	Post	점	PORT, HX AMOUNT PORT, HX AMOUNT PORT, HX AMOUNT PORT, HX AMOUNT
etention and Deportation	20	92	\$1,040	50	70	20 10 \$1,040 20 20 \$1,343 32 26 \$1,967 12 6 \$624	32	79	\$1,967	12	v	\$624
<u>ONG-RANGE GOAL</u> : To detain, until ready for removal aliens who are subject to exclusion or deportation recedings and who are likely to abscond or represent a danger to public safety and security. Maintain and	To detain, are likel	y to a	ready bacond o	for r	removal	aliens a danger	to p	re si	ubject safety	and sec	sion ourity.	r deportation Maintain and

further develop a system that ensures that every case involving a deportable safety and security. Maintain and expeditionsly and that the alien is removed from the United States when appropriate. Take necessed administrative steps to assure the collection of breached bonds in those cases where aliens, previously released or surety bonds, do not appear for scheduled hearings.

MAJOR OBJECTIVES: Proceedings and secure detention, in Service operated or contract facilities, of aliens under exclusion or deportation proceedings in custody for a hearing before an immigration judge.

BASE PROGRAM DESCRIPTION: The base program resources provide additional support in major district offices to manage the alien bond program. These officers process bond information and maintain the timely review and processing of all bonds accepted by the Service. The main types of activities include processing, tracking, and revocation (when appropriate) of alien bonds.

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THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAM	1994	Beseling	1994	Estimate	Increse	5 9 d/8	X8489	
	Post. 1	PORT MX AMOUNT	Pos. M	Perm. Pos. WX Amount Pos. MX Amount	Pos.	덫	Amount	
Detention and Deportation	20 2	0 \$1,343	32 2	20 \$1,343 32 26 \$1,967 12	12	9	\$624	

An increase of 12 positions, 6 workyears, and \$624,000 is requested to enhance resources devoted to bond management activities in the district offices. Six deportation officers and six deoxet clears are required in this program to support the expansion of base program activities. The officers and clarks will process and track bond information and maintain the timely review and processing of all bonds accepted by the Service.

Activity: Immigration Support

Increase/Decrease	Amount	:
Crease/	4	:
te to	our Po	62
Perm.	MX Aus	8
199	Pos.	•
.eline	PORT HX ASSUNT PORT HX A	\$359
24 BA	¥	•
Person	Poe	•
Enacted	Pos. MX Amount	\$333
3 4	Ħ	~
19	FOE.	•
		ceedings

<u>LONG-RANGE GOAL</u>: To provide legal representation for the United States Government in all cases and matters involving proceedings related to the Immigration and Nationality Act and INS's debt collection activities.

<u>MAJOR OBJECTIVER:</u> To provide INS legal aupport and representation at all proceedings involving the Government's interests in the enforcement of the Immigration and Nationality Act.

To collect debts owed to the Federal government.

BASE PROGRAM DESCRIPTION: This program provides support to all debt collection activities throughout the Service using attorneys dedicated to these efforts. The funding in this program supports 2 attorneys and 2 legal clerks to sesist in Servicewide efforts regarding litigation related to breached bonds as a part of the overall debt collection effort.

Activity: Program Direction

	199	46 80	1993 as Enacted	87	7	1994 Baseline	7	24 68	1994 Katimate	Incres	8 0/ 8 1	CKEARE.
	Pol	Ħ	Pof. MX Amount	Por .	걸	Pos. WX Amount	Zoe.	Ħ	Pos. MX Amount	Por	Ħ	Poe. HX Amount
gement and ministration	12	٠	\$3,627	12	12	12 12 83,574 12 12 83,574	7	12	\$3,574	:	:	:

LONG-RANGE GOAL: To formulate and coordinate meaningful and consistent management policies and direction throughout all levels of the Sevice; to provide management direction to field units that implement major policy and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements; to create an opportunity incentive to collect the maximum amount in breached bonds and use the detention to perfect the forfeiture process, offset the costs of collection, and provide resources for the detention of illegal aliens.

NAJOR OBJECTIVES: Provide for control of the overall management and administration of INS.

Direct implementation of Sarvicewide policy as it relates to collection of breached bonds and ensure its effective and uniform application.

9

Improve agency responsiveness through continued enhancement of management systems including:

- Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources ٥
- uing to emphasize and institutionalize INS's system of goals and objectives with further ation between mission and priority and system of resource allocation and control; and continuing development of information systems to meet the needs of management and immigration policy Continuing to integration be rapid develop formulation. 0

establish a system to track, report, and bill breached surety bonds posted by aliens.

g 1 Increase breached bond collections in 1994 by 30 percent over previous years average collections of \$9,000,000.

Continue improvements in the forfeiture and collections process to the point that collections will exceed the current level and taper off to \$15,000,000 in 1995, which will allow increased resources to be directed toward the detention of criminal and other illegal aliens.

INSE. PROGRAM DESCRIPTION: The function of this program is to complete development of the Bond Management Information System and add enhancements to these systems to streamline the record keeping and collection process for breached bonds; develop an imaging system to centralize access to all debtor and bond records from any location in the country; establish regional collection units to increase and improve the administrative collection process; develop an automated credit reporting process to report directly to the credit reporting agencies; improve the legal process and develop a more aggressive collection program toward development and agents and underwriters; and assist the detantion and deportation organizations in the improvements require 12 positions to development the processing and breaching of bonds. These simprovements require 12 positions to development the policy, oversight, and systems development efforts.

Currently the Bond Management System is under development and scheduled for implementation in 1993. Additional efforts include: establishing revised and improved breached bond procedures in the field locations; establishing individual collection units in the high-volume bond issuing offices; increasing and strengthening collection activity against bonding agents; using debit and credit cards for bonding purposes; and, developing imaging systems for maintaining bond records.

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Immigration and Naturalization Service Breached Bond/Detention Fund

Financial Analysis - Program Changes (Dollars in thousands)

	Collection of	10
	Breached Bonds	spuc
	Detention & Deportation	ortation
Item	Pos. A	Amount
Grades GS – 12. GS – 6.	99	\$242 123
Total positions and annual rateLapse (-)	÷ 1	365 190 32
Total workyears and personnel compensation. Personnel benefits. Travel and transportation of persons. GSA rent. Comm, Util, & Misc charges. Other services. Supplies and materials.	7	207 77 109 107 108 208 116
Total program workyears and obligations changes requested, 1994	7	624

6

immigration and Naturalization Service Breached Bond/Detention Fund Detail of Permanent Positions by Category Fiscal Years 1993 -- 1994

	1993	3	1994
Category	Authorized	Program Increases	Authorized
Attornevs (905)	2		8
Paralegal Specialists (950)	N	:	· OI
Detention & Deportation Officer (1801)	9	9	16
General Administrative and Clerical (300 – 399).	9	80	16
Accounting & Budget (500-599)	12	:	12
Total	36	12	48
Washington	16	•	16
U.S. Fleld.	&	5	32
Total	36	12	48

immisration and Naturalization Service Breaked Sendich Genderiken Fund Bummerv ef Resultements by Grebe and Obtest Class (dottere in thousands)

	1992 Actual	loto al	1993 As Enacted	nacted	1094 Estimate	edm ede	Increase/Decrease	Jearenee
Grades and salary ranges	Postion & Workyears	Ameunt	Posten A Merkysals	Ameuns	Postton & Werkveste	Ameun	Posteon & Workvenie	Ameun
08/0W - 14, 656,627 - 73,619.	1		~		~		i	
GS/GM-13, 847,920-62,293	=		~		2		:	
G8-12, 840,299-52,385	:		2		-		•	
08-9, 627,789-36,123	:		~		~		1	
G8 - 6 820 443 - 26 572	=		2		2		•	
Total positions.		***	3	11.11	7	\$1,786	42	1302
Pay above stated annual rates	•	:	:	•	:	:	Ē	1
Lapses	:	:	=	-712	1	<u>2</u>	~	622
Bayings due to lower pay scales for part of year	•	i	1		***			11
Not full -time permanent	:	Ξ	9.	707	42	8	*	Ē
Other personnel sompensation:			c	:	•	181	•	1
Total, workyeare and personnel compensation			2	36	44	1,745	27	83
Average OB/OM selecyAverage OB/OM grade		: :		(\$39,276) (11.66)		(11.37)		

immigration and Naturalization Service Breached Bond/Detention Fund Summary of Requirements by Grade and Object Class (Dollars in mousands)

٠.,

	1993 As Enacted	nacted	1994 Estimate	Hmate	Increase/Decrease	Decresse.
Object Class	Workyears	Amount	Workyears Amount	Amount	Workyears	Amount
11.1 Full-time permanent	•	\$707	4	\$1,606	*	8838
11.5 Other personnel compensation	œ	63	•	137	•	Z
Total, workyears and personnel compensation.	20	760	47	1,743	27	963
12 Personnel benefits		248		585		337
21 Travel and transportation of persons		54		63		•
23.1 GSA rent		321		428		107
23.3 Communications, utilities and miscellaneous						
		21		5 9		^
25 Other services		3,114		2,809		-308
		9		8		æ
		418		<u>8</u>		-260
	20	9,000	47	6,900	27	8
Relation of obligations to outlays:						
Total obligations		000'9		00.5		
Outlays		2,000		2,900		

OPENING STATEMENT

Mr. Smith. The Committee welcomes Chris Sale, the Acting Commissioner of INS. Ms. Sale, we will place your biography and written testimony into the record and ask that you proceed with your statement.

[The biographical sketch of Ms. Sale follows:]

BIOGRAPHY-MYRTA KING (CHRIS) SALE

Mrs. Sale is currently serving as Acting Commissioner for the Immigration and Naturalization Service, Department of Justice. Mrs. Sale has been the Executive Associate Commissioner for Management of the U.S. Immigration and Naturalization Service since 1991. From 1989 to 1991 she was the Chief of Staff to the Assistant Secretary for Finance and Information Resources Management with the U.S. Department of Veterans Affairs. From 1985 to 1989, Mrs. Sale was the Director of the Finance Service for the U.S. Department of Veterans Affairs. For the year 1984 to 1985, she was the Vice President for Finance and Administration, and the Treasurer for National Public Radio (NPR).

From 1982 to 1985, Mrs. Sale was the Director of the Office of Budget and Management for the State of Ohio, stationed in Columbus, Ohio. From 1980 to 1982, she was the Director of Financial Management for the Peace Corps Office in Washington, DC, from 1972 to 1980 she worked her way up in the Office of Personnel Management (aka: The Civil Service Commission) from various analyst positions, to Chief of the Program Review Section, to Acting Budget Director. She is a member of the Senior Executive Service Corps. Mrs. Sale received her B.A. in Psychology from Boston University in 1970 and her M.B.A. in Marketing/Finance from the American University in 1978.

Achievement of the Year Award in 1988.

Personal: Born: November 14, 1948, Married: Kenneth E. Sale, two sons: Winston and Bonner Sale.

OPENING STATEMENT

Ms. SALE. Thank you, Mr. Chairman. I do have a more extensive statement to offer for the record.

If you will allow me to summarize briefly, INS's budget for this year represents, I think, a balance in the challenges that the agency is faced with, both in terms of its enforcement mission, and its service mission, where we deliver benefits to the public. We have attempted to address both of those agenda in this budget.

We have also made some special efforts to continue to address management improvements and infrastructure issues that INS is still working on, many of them coming out of findings and audits and the like over the last several years.

The total for the budget, as you alluded to, is \$1.6 billion and 18,000 workyears from the appropriations and fee accounts. The budget represents support for 11,300 workyears and \$1 billion and some. That includes \$40 million in increased salaries and expenses appropriation over the appropriation as approved this year.

We have a combination of program increases in this appropriation request and administration reductions predicated on both the deficit reduction exercise that is inherent in the President's budget

assumptions, as well as administrative expenses reductions.

The increases are, particularly, 78 workyears and \$10 million for inspectors to improve service at our major land border ports of entry; 35 workyears and \$2 million for investigators to expand the institutional hearing program which expedites deportations; 122 workyears and \$11 million for additional legal detention capacity at Florence, Arizona, El Centro, California, in particular, and then

a variety of staff for other facilities; 22 workyears and \$2 million for additional legal proceedings work related to the deportation of

criminal and other illegal aliens.

In the fee accounts, Mr. Chairman, we have a request for a combination of resources that amounts to 6,900 workyears and \$614 million. Again, we have a combination of program increases as well as administrative reductions, both in support of the deficit reduction program and administrative reductions.

IMMIGRATION USER FEE

Specifically, in the Immigration User Fee account, we are proposing increases of 67 workyears and \$6 million to hire inspectors at major and expanded international airport facilities, principally to deal with expansions of facilities or traffic; 30 workyears and \$2 million for the detention and deportation program, particularly to address the issue of detention in the New York City area, as well as to expand contract beds in the Los Angeles area.

IMMIGRATION EXAMINATIONS FEE

In the Immigration Examinations Fee account, we are requesting 110 workyears and \$14 million for the adjudications program, principally for processing in the service centers; 33 workyears and \$3.8 million for improvements and staffing for the Asylum Officer Corps; 28 workyears and \$10 million in the data and communications program to support systems development and to begin building the information architecture for the agency; 27 workyears and \$8 million for the information records program to address service to the public, principally in the form of telephone service centers and forms distribution; and, finally, 32 workyears and \$3 million for the administrative management accounts in the agency. The predominant amount of those are for administrative support of the districts across the country.

Thank you for the opportunity to answer your questions, Mr. Chairman, and to present this budget to you.

[The prepared statement of Ms. Sale follows:]

DEPARTMENT OF JUSTICE INDUGRATION AND NATURALISATION SERVICE

STATEMENT OF THE ACTING COMMISSIONER CHRIS SALE BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1994 budget request for the Immigration and Naturalization Service (INS). The INS is requesting for 1994 an appropriation of \$1.018 billion, 11,867 positions, and 11,380 workyears. This represents an increase of \$40 million over the 1993 appropriation of \$978 million. When the resources from the Service's Salaries and Expenses account are combined with our fee supported operations and resources from the OCDE appropriation, the total resources available to the Service during 1994 will be over \$1.6 billion.

Salaries & Expenses

Our 1994 budget request to Congress reflects the President's directive to reduce administrative expenses, such as travel, communications, contracting and conferences, as well as, reduce personnel levels in order to assist in controlling the deficit. Included within the 1994 request are program investments of 457 positions, 255 workyears and \$25.5 million. These resources are for the Service's land border inspections program, especially along the Southwest border, and its investigations, detention and deportation, and legal proceedings programs as they relate to the

increasing emphasis on the identification, processing, and expeditious removal of criminal aliens. A brief description of the investments follows:

Inspections

The 1994 request includes an increase of 163 positions, 78 workyears and \$10 million to improve service at major urban-area ports-of-entry. The number of inspections completed at land border ports-of-entry has increased from 266 million in 1984 to a projected 453 million in 1993. Staffing levels have not kept pace with workload growth, and land border crossings have become increasingly congested and long backups are now regularly experienced. The additional resources will bring about a reduction in waiting times by enabling the Service to staff ports-of-entry, open an additional 27 vehicle lanes (bringing the total number of vehicle lanes to 460), and expand inspection automation capabilities.

Investigations

An increase of 35 workyears and \$2.3 million is requested for the Investigations program to expand the Institutional Hearing Program. The goal of this program is to ensure the immediate removal from the United States of convicted alien felons upon completion of their prison sentences by identifying them and initiating deportation proceedings while they are still incarcerated. The dedication of an additional 35 workyears to this program will allow its expansion in the five States with the

greatest populations of incarcerated aliens as well as the Institutional Hearing Program's expansion at Federal prison facilities. It is projected that nearly 5,000 additional criminal aliens can be processed for deportation annually with this increase in program resources.

Detention and Deportation

The Detention and Deportation program request includes an increase of 254 positions, 122 workyears and \$11 million. These resources will provide the staffing necessary for the expansion of the Florence, Arizona and El Centro, California Service Processing Centers. These center's are being expanded by 375 bedspaces, and will be operational in 1994. These resources will also provide for the increased alien travel, detention and welfare funding needed to efficiently use the 375 additional bedspaces at the Florence and El Centro facilities, and to deport criminal aliens expeditiously.

Legal Proceedings

An increase of 40 positions, 20 workyears and \$2.2 million is requested for the Legal Proceedings program. These resources will provide paralegal and support staff to enhance the ability of INS attorneys to emphasize deportation cases of criminal aliens and other illegal aliens.

Program Decreases

Program decreases of 174 positions, 173 workyears and \$14,754,000 are requested to meet targeted resource levels and

reductions consistent with Presidential initiatives, and will provide for more efficient Service operations. These decreases include 174 positions, 173 workyears and \$10,935,000 in full-time equivalent reductions, as well as \$3,819,000 in administrative savings.

Fee Accounts

Fee accounts have become an important resource for the INS. Fee related resources account for one third of our resources. Because of their importance, I would like to summarize requests related to these accounts.

Immigration User Fee Account. The Immigration User Fee account budget for 1994 is \$255,016,000, 2,761 positions and 2,817 workyears. The 1994 estimates include increases of 164 positions, 97 workyears and \$8,792,000 in two program areas - Airport and Seaport Inspections, and Detention and Deportation.

The Inspections program increases include 134 positions, 67 workyears and \$6,178,000 to help staff newly-expanded international airport facilities at Chicago and a new terminal at Miami, as well as provide additional resources to offset traffic growth at major locations. The Service would add positions to keep pace with projected growth at airports currently meeting the 45-minute standard.

The Detention and Deportation program estimate includes

increases of 30 positions, 30 workyears and \$2,614,000 for staff to transport aliens to and from hearings and maintain the deportation docket at the new contract facility in the New York City area, which is scheduled to come on-line in early FY 1994, and provide alien travel, detention and welfare funds required for 47 contract detention beds scheduled for exclusion cases in the Los Angeles area in 1994.

Immigration Examinations Fee Account. The Immigration Examinations Fee account budget estimate for 1994 includes \$347,529,000, 4,271 positions and 4,035 workyears. Included in this request are increases of 396 positions, 236 workyears and \$42,408,000 in a number of programs, offset by a decrease of 61 workyears to meet the Administration's staffing goals. The major components of the increase are as follows:

The Adjudications and Naturalization program estimate includes an increase of 165 positions, 110 workyears and \$14,749,000 to process anticipated workload, and provide training to field personnel necessary for successful implementation of our Direct Mail program, which consolidates the processing of adjudications applications in four service centers.

The International Affairs and Outreach program request includes an increase of 63 positions, 33 workyears and \$3,779,000 to expand the Asylum Officer Corps to address backlogs and case load resulting from the legal settlement of the American Baptist Churches v. Thornburgh case, expand the Resource Information Center to provide improved country condition information, and provide

additional resources for the Refugee program.

An increase of \$1,369,000, 11 positions and 5 workyears is requested for the Training program to address in-service training needs, augment staff at the Immigration Officer Academy, and provide supervisory, managerial, and executive development training.

The Data and Communications program request includes an increase of 41 positions, 28 workyears and \$10,315,000 for the continued development, and operations and maintenance of computer systems that support the Examinations Fee account.

A total of 53 positions, 27 workyears and \$8,766,000 is requested for the Information and Records Management program to expand staffing at our Telephone Service Centers, enhance forms and directives management, and support planned Service Center expansion under the Direct Mail program.

An increase of 62 positions, 32 workyears and \$3,349,000 is requested for Management and Administration to provide support to operational programs. Also included in this amount is \$486,000 to replace 25 vehicles in the Examinations Fee account, and fund the establishment of a vehicle replacement program in the base.

Land Border Inspections Pee Account. For 1994, the Service is requesting 30 workyears and \$4,094,000 for the continuation of the of the Land Border Inspections Fee project. This account was authorized by the 1991 Appropriations Act for the establishment of pilot projects under which fees may be charged and collected for inspection services, and to study the feasibility of charging fees

to enhance services at land border ports-of-entry. Currently, the Service is operating a highly successful test pilot site in Blaine, Washington, and studying several potential sites for additional pilot projects. The Land Border Inspection Fee project has Congressional authorization until September 30, 1993.

Due to unforseen coordination problems with the U.S. Customs Service and Canadian and Mexican authorities, it has taken longer to plan and implement additional test sites than originally anticipated. Therefore, the Service requests an extension of the project through September 30, 1996, to permit sufficient time to implement additional test pilot sites.

Immigration Legalization Account. The Immigration Reform and Control Act of 1986 provided for the establishment of a Legalization program. The processing of the majority of applications for permanent resident status under the provisions of this legislation was completed in 1991. The remainder will be completed by the end of 1993. Appeals of denials will continue to be processed in 1994. For 1994, the Service is requesting 15 positions, 13 workyears and \$2,248,000 for continued activities associated with this account.

Breached Bond/Detention Fund. The Breached Bond/Detention Fund account request for 1994 is for 48 positions, 42 workyears and \$5,900,000. This account was authorized in the Department of Justice Appropriations Act of 1993. Under the provisions of that

Act, all breached cash and surety bonds, in excess of \$8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice, are deposited as offsetting collections into the Fund. These amounts remain available for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

For 1994, an increase of 12 positions, 6 workyears and \$624,000 is requested for the Detention and Deportation program to enhance those resources devoted to bond management activities in the district offices.

Conclusion

The INS is prepared to reduce administrative expenses and meet personnel targets as part of the Administration's strategy for deficit reduction, while it improves the delivery of services. With the continuing support and hard work of the managers and workers throughout INS, the budget level we seek for 1994 contains the resources we need to accomplish our mission.

I will be pleased to answer any questions that you may have.

SALARIES AND EXPENSES ACCOUNT

Mr. Smith. Now, in your non-fee accounts, how much are you asking for?

Ms. Sale. The salaries and expenses appropriation request is for

\$1,018,000,000, and 11,380 workyears.

Mr. Smith. All of that is for the non-fee account?

Ms. Sale. Non-fee. Basic operating expenses appropriation.

Mr. Smith. And that is an increase of how much over what you had last year for the same account?

Ms. Sale. It is a \$40 million increase over the same account. Mr. Smith. And how does that compare to your baseline?

Ms. Sale. The \$40 million is over what we call our baseline. That includes \$29 million worth of basic inflationary expenses, which runs the gamut of paying for the annualization of last year's pay raise, space; a variety of those kinds of issues, and a pure \$10.7 million increase in new hiring, principally, as I said, for inspectors, investigators and staffing the detention facilities.

Mr. Smith. How does it compare to your current services?

Ms. Sale. Oh, current services based on our economic assumptions, sir?

Mr. Smith. Yes.

Ms. Sale. That is the \$29 million that is built into the base. I mean, inasmuch as we are able to define that, we have, in fact, covered that within the \$40 million increase.

DETENTION RESOURCES

Mr. Smith. Now, detention. Is your primary proposal related to New York, or where is it related to?

Ms. Sale. In the operating expenses, in the appropriation account, the detention budget calls for 122 workyears, 200 and some positions, but, obviously, we only get half a year in the first year. Those are principally to staff capital investments, increases in Florence, Arizona——

Mr. Smith. In where? Arizona?

Ms. SALE. Yes, and in El Centro, California. There will also be additional staff which will be distributed to our existing facilities.

In the User Fee account, we are proposing an increase to staff a contract facility that you approved last year, which contract we are about to let this month, so that we can have some INS-hired people to oversee that contract.

Mr. Smith. And where is that?

Ms. Sale. In New York City. That is for the User Fee account. Mr. Smith. It seems to me that we have been hearing the most complaints about New York City being short of detention facilities.

Ms. Sale. That is correct.

Mr. Smith. Well, does your request match that reality?

Ms. Sale. The New York detention issue that you have been hearing the most about pertains to airport exclusion detention. We now think that we are probably detaining about 7 percent of the people that come into the airport and are excludable under our procedures. With this additional 300-bed facility, we expect we will be detaining approximately 25 percent of those people.

It is probably not realistic to attempt to detain all of them. There just aren't that kind of dollars in the fund, sir. We do hope to be able to exercise more discretion in how we make determinations about who gets detained, principally pertaining to our sense of their risk of absconding and any other data that we may have, if we know them to be risky individuals in the first place.

Mr. Smith. Now, what would those detention facilities that you

are proposing cost?

Ms. SALE. For the new detention facility in New York City we are estimating it is going to cost us about \$16 million a year.

Mr. Smith. \$16 million?

Ms. SALE. Yes, sir.

Mr. Smith. And it would have how many beds?

Ms. Sale. 300 beds. That is, in addition to the existing 100-bed facility that is there today. For the user fee. Excuse me.

Mr. Sмітн. That would detain 25 percent of what?

Ms. SALE. Of our current rate of excludable aliens arriving at the airport.

Mr. Smith. So 75 percent would not be detained. What would

happen to them?

Ms. SALE. We fingerprint them, take their picture, ask them to post bond, if that is appropriate, and release them into the community.

Mr. Smith. What is the percentage of those that you can keep

track of that way?

Ms. SALE. Not very high. And I would be lying to you if I gave

you an absolute number, but it is not very high at all.

We have been running a special project in New York with the immigration judges and only in New York—we are, since October, enabling the INS staff at the airport to actually book people onto the Immigration Judge computer to begin their exclusion cases. Approximately ninety-three percent of them haven't shown up when, in fact, they are due to come.

One of the criticisms was that when we put someone in exclusion proceedings and tell them to file later, they don't understand, they are not clear on what they need to do, and they don't have their forms with them. So we have attempted to sort of do all of that. The data out of EOIR shows that they are just not coming in for the hearing. Consequently, they are probably not even filing for asylum, although they have that opportunity. They are just not on our books anywhere.

Mr. Smith. Now, you are detaining 7 percent?

Ms. SALE. That is correct.

Mr. Smith. And that leaves 93 percent. And 93 percent of the 93 percent don't show up.

Ms. SALE. That is correct.

Mr. Smith. So now you are at 86 percent.

Ms. SALE. That is correct.

Mr. Smith. But you are going to detain 25 percent, so then you will be down to 75 percent?

Ms. Sales. Yes.

Mr. Smith. So you will have a gain of 11 percent.

Ms. SALE. Yes.

Mr. Smith. Are these 75 percent that you are not going to detain, are they—do they just disappear? What happens to them?

Ms. Sale. I can't tell you precisely, but most of them, I assume,

remain in the United States. We don't have-

Mr. Smith. Under the law they are not supposed to be able to get a job. That is, the employer is supposed to be responsible.

Ms. Sale. Well, that is correct. Under the law they are not sup-

posed to get a job, and the employer is responsible.

If they are able to obtain, through fraudulent means, a driver's license or a social security card, then, under the law, the employer has met his obligation by seeing one of those two documents, and there is a limit then within the immigration context of what we can do to deter that person from obtaining a job.

If they do, in fact, show up at immigration court for exclusion and file for asylum, then they have the authority, they have the right, to obtain a bona fide work permit, subject to our putting

them through proceedings.

Mr. Smith. So if we detain 25 percent, you are down to releasing 75 percent. And, presumably, the number that you keep track of improves a little bit with that remaining group.

Ms. SALE. That is correct.

Mr. Smith. So if it were 93 percent, you would be down to 67 percent, maybe you might be to 65 percent of those that are coming in under that scenario that would still be disappearing, not showing up.

Ms. SALE. I am afraid I can't dispute that. That is essentially, I think, what the reality of it is. The budget does include——

Mr. Smith. What can be done to improve this situation?

Ms. Sale. There are a variety of things that we have on the table. The budget includes our continued commitment to pursue pre-inspection in London. We have adjusted the numbers a little bit, acknowledging that at the rate that we are going, we are not going to see a full year's expenditures there and have, in fact, managed some of that allocation to airports here where the need is appropriate, and where the traffic is coming in.

We continue to be committed to the pre-inspection program. London alone represents over 4 million air passengers coming into

the United States, and we would see that——

EXCLUDABLE ALIENS

Mr. Smith. How many excludable aliens?

Ms. Sale. We are not pre-inspecting them today, so I can't tell you how many there are. I know that in New York alone we had over 800 excludable aliens last January.

Mr. Sмітн. Eight hundred?

Ms. Sale. Last January, the issue became—how many came through London? They might have come from Amsterdam or Berlin or someplace else, but a large volume of what is coming into New York is coming in through the air transit lounges in London. That is really why we continue to be very focused on that as an agenda

We have built into the base in this budget a continuation of what we call the carrier consultant program, Mr. Chairman. We have

our inspectors visiting airports and host country governments across Europe and other places where it is appropriate to train airline personnel to identify fraudulent documents, and to encourage host country officials to assist us in deterring people from boarding. There is a limit to what they can do, but we have seen that activity to really be quite effective, both in the context of our sending people from the United States on temporary details to do that, and managing the resources that we have in our overseas district to do some of that work as well.

Mr. Smith. Well, then how many excludable aliens came into

New York over the last year that you have records for?

Ms. SALE. In 1992, excludable aliens welcome into New York City were 14,600.

Mr. Smith. 14,600?

Ms. SALE. Yes, sir.

Mr. Smith. So it is about 9,500 then. Under the new scenario, it is still 9,500 a year would be escaping?

Ms. SALE. That is right.

Mr. Smith. Not coming back.

Ms. Sale. The administration is also considering various proposals. I am sure you are aware Mr. Mazzoli and Mr. McCollum and others have under the Judiciary Committee submitted proposals that would enable us to exercise some form of expedited exclusion that would theoretically allow us to send people back upon a review, including due regard for the real possibility that they could be real asylum seekers.

But those things, obviously, need to become law before they can

be a piece of what we would propose in a budget.

Mr. Smith. Presumably, the ones that would be sent back under

that bill would be the 25 percent that you talked about.

Ms. SALE. I don't know that we can derive a direct relationship in the numbers. We are not looking at these people to make a preliminary determination as to whether or not they appear to have a

colorable claim to asylum.

We do know that of those that we detain under exclusion proceedings, and that we have our lawyers go in and interview—because we are interested in saving our detention resources for the people that we think really need to be held—about a third we are releasing because we find that on their face, they appear to have a colorable claim in a preliminary interview. It is conceivable that, if that data holds, that up to 50 percent or even two-thirds of the people, these 14,000, for instance, that came to New York under exclusion would, in fact, be turned around.

I can't do more than look at the data that we have for the people that we have detained, because in those instances we are able to run this asylum pre-screening. We are not running it for the people we are releasing under exclusion proceedings today. So I don't know that it will hold up, but it is the best measure we have today.

Mr. Smith. So about 10,000 would be turned around?

Ms. SALE. Possibly. If that is the case, then the detention issue

becomes much more manageable.

Mr. Smith. So I know you don't have the data to show it, but I would surely think that a heavy percentage of the 25 percent that

you are talking about detaining would be in that group. And, if so, then we are making a gain of 5,500 per year.

Well, it is a difficult problem.

Ms. SALE. It is not quite intractable, but it is as close to it as you can get.

EXCLUDABLE ALIENS ENTERING OTHER THAN NEW YORK

Mr. Smith. Mr. Rogers?

Mr. Rogers. Well, the Chairman has asked you about the number of excludable aliens entering New York.

Ms. SALE. Yes, sir.

Mr. Rogers. Do you have the figures for the rest of the country? Mr. Smith. Well, before you do that, let me ask another question. Do you have a record of where those in New York are coming from?

Ms. SALE. We know that they are principally coming from China and Pakistan. India is the third largest source of these people.

Mr. Smith. They are not countries where they are likely to be

going back then. They are probably here to stay.

Ms. SALE. I would assume so, sir. These are not visitors or tourists, for the most part.

Mr. Smith. Go ahead. Ms. Sales. Mr. Rogers.

Mr. Rogers. You have given the Chairman the number of excludable aliens that enter through New York. What about the rest of the country?

Ms. Sale. Of the 56 million inspections that we conducted in 1992—this is Mr. Puleo, Mr. Rogers, whom I think you have seen before—88,000 malafide entries or aliens who were attempting to enter with either fraudulent document claims or for smuggling purposes or a variety, that would be principally the airport traffic. In total, of this 56 million inspections, the large proportion of which are happening at the land borders, we had 313,000 malafide entries last year.

Mr. Rogers. Last year? Ms. Sale. Yes, sir. In 1992.

Mr. ROGERS. Well, it seems to me that it is a drop in the ocean to ask for money to build a detention center in New York City with this kind of a flood of people coming in. I think we are hiding our head in the sand if that is the solution that we come up with to

solve the problem.

My information is that last year about 35,000 people used this route to successfully enter the United States, 15,000 of them at JFK alone. And that is a 300 percent increase over two years earlier. And this information comes from the Judiciary Committee. Is that out of line?

Ms. SALE. No, it is not.

Mr. Rogers. Well, you can't build a detention hall big enough to solve the problem in New York City alone, can you? I mean, if you rented Madison Square Garden and then doubled it three times, it would not hold the people, would it?

Ms. SALE. I think that is accurate.

Mr. ROGERS. So why are we fooling around with these silly answers when we, as you suggested, brought up in your own testimony—and I guess I am talking to the Congress more than I am you. Why don't we just change the law? We are not going to solve this problem unless we change the law, are we?

Ms. SALE. No. We have found that detention does provide some deterrence. Given the existing statute, it is one of the few vehicles

that we have available to send a message to people.

Mr. ROGERS. Oh, come on. Are you going to send a message to those brokers that charge up to \$30,000 a head to coach them through this process? You are not sending a message to these

people. They are making money.

Ms. Sale. Mr. Rogers, I am not disagreeing that we need statutory change. I am simply saying that, given the current law and the current set of procedures, and until some other alternatives are established, we have an obligation to do what we can within the current circumstances.

PRE-INSPECTION PROGRAM

Mr. Rogers. Now, you mentioned your pre-inspection. I gather you have current authority to conduct those pre-inspections.

Ms. SALE. We have current authority.

Last year, in a reprogramming request that was approved by this committee and the Senate Appropriations Committee, we made available 124 positions and money for essentially a quarter of the year, last year at that time, to begin to place INS inspectors in London to handle the 4-plus million passengers that come through London into the United States.

Mr. Rogers. How has that worked?

Ms. SALE. We are in the process of negotiating that. It is a sort of trilateral negotiation in that the London Port Authority, the Government of England and the Government of the United States are involved. Frankly, it has not gone very far.

Consequently, we have for this year, at least, made sure that we hold the spaces available. Where it is appropriate, we have made small adjustments in Miami and places like that where we see traf-

fic growing.

Mr. Rogers. What is the problem? Why doesn't Great Britian

agree to this?

Ms. SALE. The British Airport Authority is most concerned recently about their loss in revenues. The Heathrow airport is a mall as well as an airport, and that, if we inspect people, then they wouldn't have an extra half-hour to shop, and consequently they would lose revenue. The airport has been asking us to finance their loss in revenue in sales, essentially, to these passengers. We haven't been particularly willing to agree to that because we don't think that should be our obligation.

Mr. ROGERS. At what level are the negotiations taking place? Is

our State Department handling it?

Ms. SALE. Absolutely, yes.

Mr. ROGERS. Is the Trade Representative involved in this?

Ms. SALE. No, sir.

Mr. Rogers. Just the State Department.

Ms. SALE. State Department and INS.

Mr. Rogers. Okay. Well, I understand the problem then.

Who is handling it at the State Department level?

Ms. Sale. It was most recently assigned to the Assistant Secretary for Management, Jill Kent, who has since left with the change in administrations. We are working with State Department to ask it to be reassigned to the office that handles trade and airport traffic, rather than the Office of Management. But that is something that they have to decide. We can't decide for them.

PRE-INSPECTIONS

Mr. Rogers. Well, let's assume you are successful in getting pre-

inspection in London. How would that work?

Ms. Sale. Well, if you were a passenger coming from Pakistan through Heathrow to Washington, when you deplaned in Heathrow, INS inspections would clear you before you boarded the airplane to come to the United States. That would enable us to weed out fraudulent documents. It would enable us to weed out people without papers if they have lost the papers between Pakistan and London, and preclude those people from coming to the United States.

Mr. Rogers. So you could prevent them from getting on the

plane from coming over here in the first place?

Ms. Sale. That is exactly right. It would also facilitate inspections. Then people wouldn't have to be inspected once they came to the United States.

Mr. Rogers. Suppose you clear somebody there and put them on the plane and between there and here they put the papers down the commode. What happens then?

Ms. SALE. We lose them.

CARRY AND COMPLIANCE INITIATIVE

Mr. ROGERS. What if the airline holds their papers in the interim?

Ms. Sale. That is something we have discussed with the airlines, and they are discussing it with us. Their concern is, obviously, profit margin and the cost of doing business. It is the cost of doing business that that they are considering, but they haven't yet agreed to take on that extra piece of work.

Mr. Rogers. Who is talking to them about this?

Ms. SALE. INS.

Mr. Rogers. Who particularly?

Ms. SALE. Mr. Jim Puleo, who is behind me.

Mr. Rogers. Is he here?

Ms. SALE. Yes.

Mr. Rogers. Well, now we are finally getting somewhere. Mr. Puleo?

Mr. Puleo. Yes.

Mr. Rogers. Tell us about this. What is the story? Can we get this done?

Mr. Puleo. We are working on an overall program called the Carrier Compliance initiative with all carriers. It is very similar to what the Customs Service has. We are trying to negotiate certain

duties and performances that we would expect the airlines to adhere to, and if we have legislative authority, we would look at

mitigating fines.

Absent the legislative authority, we are still negotiating with the airlines. They are very anxious to stop what is happening in New York, in fact, stop it all throughout the United States. It costs them money if they have to detain passengers. It also costs them money when we fine them. We are looking at somewhere around a \$21 million in fine revenue, so it is a lot of money for the airlines. They are very anxious to cooperate with us in this endeavor.

Mr. Rogers. Well, so what is going to happen?

Mr. Puleo. Right now, we are pursuing the Carrier Compliance program as if we have legislative authority to mitigate the fines. There are certain members of the Judiciary Committee who may introduce the necessary language as part of the three packages that are currently before that subcommittee. We are working with the airlines on the particular language.

PROBLEMS WITH HOLDING PASSENGERS AT HEATHROW AIRPORT

Mr. Kolbe. Would the gentleman yield?

Mr. Rogers. Yes.

Mr. Kolbe. If they are held in Heathrow because their documents don't clear, who becomes responsible for them? The airline or the British Government?

Ms. SALE. The airline and the British Government. But, theoretically——

Mr. Kolbe. No wonder the British Government wouldn't be in-

terested in having the problem dumped on them.

Ms. Sale. They would ask the airline to return the person from whence they came. Not dissimilar from some of the things that we attempt to do. The problem is that our statutory language, especially with regard to asylum seekers, is so generous that it precludes us from sending people home in the same context that England would be able to do so.

Mr. Rogers. What percent of the excludables come through

Heathrow?

Ms. SALE. Total nationwide? We know that 22 percent of what is coming into London are coming through Heathrow.

Mr. Rogers. You mean to New York.

Ms. SALE. To New York, excuse me—to New York are coming through Heathrow. London also is a transit point for arrivals to Chicago and Miami. I don't know that I can tell you what percent nationwide of the excludables are coming through Heathrow.

ALTERNATIVE ENTRY ROUTES

Mr. ROGERS. Well, wouldn't the brokers overseas quickly find an alternative route to get into the U.S.?

Ms. SALE. Absolutely.

Mr. Rogers. And skip Heathrow?

Ms. SALE. Absolutely.

Mr. Rogers. Well, is there another answer then?

Ms. SALE. We really think it is a systemic sort of solution. That is, sort of the combined effect of the carrier consultant program

that we have just described, pre-inspection, and some sort of exclu-

sion provision. Because I think you are absolutely right.

What we saw happen two years ago, sir, is that we had the New York problem in Los Angeles, and we opened a detention facility in Los Angeles. The problem moved to New York. We are now in the process of opening a detection facility in New York, which I don't think is a wasted effort because there will always be a need to detain people in New York. But if we are particularly successful in New York with that facility, the problem will move to Chicago. The issue is bigger than any one city, as you properly note. But it is an issue for authorizing legislation, and it is an issue that is currently being considered, both by the administration in the context of this broad panoply of suggestions that I am describing, as well as, obviously, by the Judiciary Committee.

PENDING LEGISLATION

Mr. Rogers. Well, I guess the legislation you are talking about is the—I don't know the name of it—the bill that Mr. Mazzoli and——

Ms. Sale. There are three bills before the committee. Mr. Mazzoli has one bill. Mr. Schumer has another bill. And Mr. McCollum has a third bill. They all are working on the same set of issues from different directions. I would expect at some point that we would end up with a single, consolidated bill, simply because, if all three happened at once, we would be tied up in knots, I suspect. They are not necessarily independent of one another at this point. They overlap in some areas.

Mr. Rogers. Well, the one I am cosponsoring is the McCollum

bill to allow summary exclusion.

Ms. Sale. That is exactly right.

Mr. Rogers. To make an on-the-spot determination of fraudulent entry and to deport that person on the next plane out. Is that one of the ones you are talking about?

Ms. SALE. This is the one I am describing as an expedited exclu-

sion process.

Mr. Rogers. What do you think about that? Without picking that piece of legislation, but if you had that authority, how would that

help you, do you think?

Ms. Sale. It would enable us to make a determination, and one that we care to make very carefully, about somebody's at least apparent claim to asylum, and be able to let them stay in the United States until we went through a rigorous process to make a bona fide determination, while it would enable us not to let people remain who are here on either frivolous claims or, in fact, are being smuggled in en masse.

Sometimes we get not a whole plane load, but, certainly, tens of people in a single airplane and a single airline participating disproportionately in this process. We would be able to then deal with that problem as a source rather than attempting to spend enormous amounts of money, as you allude to, both in detention and in

administrative procedures.

The reality is that the Chairman is correct, that if a person is released, then unless we catch them through some other activity,

unless they become known to us, either through the criminal justice system or some other venue, we don't have the resources to track them down.

PROSPECTIVE LEGISLATION FROM ADMINISTRATION

Mr. Rogers. Do you think the administration is going to propose some sort of systemic reform package regarding this and other im-

migration problems?

Ms. Sale. I am here on behalf of the administration, but, as you know, I am an acting commissioner. I know that the administration is considering a broad variety of proposals, many of them developed by INS staff, others developed by the State Department and other participating law enforcement agencies. They are on the agenda for both the National Security Council and the Domestic Policy Council. I expect the administration will make a proposal.

I can't tell you with any certainty or precision exactly what it will entail. This Attorney General, Ms. Reno, has been very, very concerned about the constitutionality of any summary or expedited exclusion procedure that she gets behind, and we have been getting advice and assistance from lawyers at the Department in reviewing how that proposal would be put together so that it would stand the test of constitutionality.

WORLD TRADE CENTER BOMBING

Mr. ROGERS. Well, I hope we do something before one of these illegal aliens commits another terrorist act.

Now, let me ask you about the Sheik suspected in the bombing of

the World Trade Center. What is his name?

Ms. Sale. Rahman. The sheik, before the Board of Immigration Appeals, asked for a reconsideration of his claim, for an opportunity to stay in the United States. He is not in detention because we don't believe he is be likely to abscond, and because he is not under the criminal justice system of the United States wanted for anything here, nor has he been found guilty in Egypt, to my knowledge, of a known crime.

He was tried for one crime and found not guilty, and there are other cases under review in Egypt, but I don't have today a current

status on where he stands.

Mr. ROGERS. Well, he was first denied admission, wasn't he.

Ms. SALE. No. He was given a visa by the State Department, sir. It appears to have been issued in error, but it was, in fact, issued.

When he arrived in the United States, we ascertained that there were reasons for him to be denied admission, and he was placed in exclusion proceedings. It is the exclusion proceeding that requires a visit before an immigration judge, then a Board of Immigration Appeals opportunity. Finally, the judicial system has an opportunity to hear his appeal as well. We are in the process of sort of wending through at this point in time. He has exercised all of his rights to due process as far as he has gotten.

ISSUE OF VISA TO SHIEK RAHMAN

Mr. Rogers. Now, you say he was issued a visa mistakenly. Why was that?

Ms. SALE. To the best of my knowledge, there was data available to us that would have precluded him from getting that visa.

Mr. Rogers. What kind of data?

Ms. Sale. I am going to refresh my mind, sir, to make sure that I tell you things that are true. He had been convicted of writing bad checks in Egypt. He was a known bigamist to us. Three times is better than two, I guess. Consequently he had invalidated his opportunity to remain or to be granted a visa into the United States.

Mr. Rogers. How did he get a visa with us knowing that infor-

mation about him?

Ms. Sale. The State Department issues a visa, and I am a little uncomfortable speaking on their behalf. There is a computerized system that is available to State Department visa-issuing officers that maintains a database on people that shouldn't get a visa.

Mr. Rogers. CLS.

Ms. Sale. CLS. That system is on line in some posts and on microfiche in others. I don't know precisely. My understanding is that the data—it is so long ago now that the data no longer exists. It gets destroyed. But either they didn't know that system on the microfiche or they weren't on line, and they couldn't get the information. I can't tell you that, sir.

Mr. Rogers. This was in the Egyptian Embassy?

Ms. Sale. He was in Khartoum at the time, as I recall, when the visa was issued. He was not in Egypt.

Mr. Rogers. Well, as I understand, he had first off applied for a

visa in Egypt and had been denied, had he not?

Ms. Sale. Then he went to Khartoum, changed his name and applied for a visa under a different combination of a name and got one.

Mr. Rogers. Well, is that the reason that the CLS operation or the microfiche did not turn up anything against him? Because he used a false name?

Ms. Sale. It is a conceivable reason, sir. I really can't speak with precision. My understanding is that the records are destroyed. So I don't know if the State Department can—

Mr. Rogers. So when he got over here, then your agency discovered his true identity?

Ms. SALE. Yes, sir.

Mr. Rogers. And that he had what, fraudulently obtained a visa?

Ms. Sale. Yes.

Mr. Rogers. Or allegedly. Ms. Sale. Allegedly, yes.

Mr. Rogers. And so you charged him but didn't hold him without bail.

Ms. SALE. That is right.

Mr. Rogers. And you let him go.

Ms. Sale. That is right. We put him in exclusion proceedings. He has come in for his hearing, has been denied by the immigration judge. The judges upheld our determination. He has now filed for an appeal before the Board of Immigration Appeals, which is his second opportunity to be considered.

Mr. Rogers. Well, he makes an awfully good example of the huge loopholes that we have in our laws and in our system of

trying to keep out dangerous-

Ms. SALE. Yes, he does, sir.

Mr. Rogers [continuing]. Illegal aliens.

Ms. SALE. Yes.

Mr. Rogers. And we have seen now how deadly these things can be, and I predict we have only seen the surface. And we perhaps could see even worse things happen unless we close these loopholes.

I realize that you are operating with laws that are not perfect for this, and we are operating under a Constitution and a set of laws that we all believe in that should be granting political asylum to legitimate claimers. But, unfortunately, there are those in this world who are taking advantage of our good intentions.

Ms. SALE. I agree.

Mr. Rogers. So we have to find ways to do it.

Regardless of whether or not we pass new laws, I think, administratively, you can do a heck of a lot more than you are now doing. And I wish you could give us in a few weeks, perhaps, a sense of where we are on the pre-inspections and any other actions that you are taking to close down this dangerous loophole.

Ms. SALE. We would be happy to do so, sir.

[The information follows:]

Immigration and Naturalization Service

REPORT ON EFFORTS UNDERTAKEN BY INS TO PREVENT AND DETER MALAFIDE ATTEMPTS TO ENTER THE UNITED STATES

A report of the efforts of the Immigration and Naturalization Service to prevent and deter malafide attempts to enter the United States is being developed and will be submitted to the Committee by July 31, 1993.

OTHER THAN AIRPORT EXCLUDABLE ENTRIES

Mr. Rogers. How many of these people do not come in by air, do you know?

Ms. Sale. Earlier you asked me how many excludables we had last year, and I told you that there were 88,000 out of 52 million from airports, and that there were 300,000 from other than airports that were excludables.

Now, that doesn't mean that they are all terrorists. These are simply people that we, on inspection, determine not to be with proper documentation or under numerous other conditions eligible to enter the United States. I think it is important to assert that some of them are bad people, but they are not all bad people. Some of them are just people who have an error in their paperwork or a variety of other issues. There are many who are just people that want to live here and have bought paper and come in—or attempted to come in inappropriately.

Mr. ROGERS. Other than the ones coming in by air, are most of those along the Mexican border?

Ms. SALE. Yes, sir.

Mr. Rogers. Okay. Well, I will have some more questions, but I have taken enough time for a while.

CONTROLLING THE BORDER

Mr. Smith. Mr. Kolbe.

Mr. Kolbe. Thank you, Mr. Chairman.

I would like to switch us to an area that is of a concern to me that I am most involved in on a daily basis and that is the U.S.-Mexico border. Talking about, first, your appropriation here, can you give me the numbers again in terms of the increase in the number of your inspectors in the 1994 budget and the decrease in the number of Border Patrol agents?

Ms. Sale. The 1994 budget assumes a net increase. After the administrative reductions that we are all participating in as a budget deficit reduction exercise, of 135 positions for land border inspections that represents 50 workyears, and an \$8 million investment and a decrease of 93 positions for the Border Patrol, 92 full wor-

kyears, and a \$7 million reduction in their budget.

Mr. Kolbe. Can you give us the justification? I have been a strong advocate for the position that the Immigration Service needs to be putting more emphasis on the legal crossings and encouraging the legal movement of goods and of people across the border between the United States and Mexico. But I am really puzzled about that increase on the one side and the decrease in the border patrols. Is it the view of INS that the illegal border crossings and perhaps drug problems are decreasing or do they no longer have a priority? What is the reason for the 93 position decrease in Border Patrol?

Ms. Sale. Well, it certainly isn't that it is not a priority for us, sir. It is just a tough world, and we all have to make tough choices.

Mr. Kolbe. Would you describe the choices, the thinking in-

volved in the choices?

Ms. Sale. Well, the choice in this instance was between a program that has not had any substantial increases in several years and a program that is at least holding its own. Between a program where we see a 40 percent increase in the workload in the last six or seven years and a 20 percent increase in employment—and this is the inspections program—and a need to recognize and acknowledge that there is an increasing problem for those local communities because we are unable to staff the ports of entry.

The Border Patrol isn't well. I don't like coming forward and supporting a budget that has a reduction for the Border Patrol, and I don't mind saying that. But the Border Patrol has had some increases in the last couple of years, and, in the face of having to make some tough choices, the decision was made that an investment would be made in land border inspections, albeit at the ex-

pense of the whole appropriation.

The Border Patrol's reduction, was its share of reductions in staff that the agency took as a whole and that were spread throughout all of the program activities of the agency, exams, inspections, everyone else. The Border Patrol, in the Salaries and Expenses account represents better than a third of what is there. The inevitable fact is that, when you do an across-the-board reduction, they inevitably take a large piece of it.

Mr. Kolbe. Well, as I say, as a long-time advocate of increasing the efforts to staff the border crossings, I do appreciate what you are saying and the difficulties that you face. But would you, for the record, please give us a staffing picture for the last 10 years in both the inspections for the Border Patrol with the number of agents so

we can see whether the tracking is up and down, just so we can see those trends over the last 10 years there.

Ms. Sale. Yes, sir. I would be happy to submit that.

[The information follows:]

6 MAY 1993

Budget Summary - Authorized Staff FY 1984 - FY 1994

1) Inspections

 Account
 FY84
 FY85
 FY86
 FY87
 FY88
 FY89
 FY89
 FY91
 FY92
 FY93
 FY94

 S & E
 - 1,480
 1,580
 1,580
 1,103
 1,103
 1,033
 1,033
 1,027
 1,000
 1,135

 Air/Sea
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 1,391
 1,841
 1.921
 2,169
 2,303

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2) Border Patrol

Account FY84 FY85 FY86 FY87 FY88 FY89 FY90 FY91 FY92 FY93 FY94
S & E - 2,857 3,695 3,693 5,541 5,530 5,485 4,852 4,968 4,948 4,863 4,770

WAR ON DRUGS

Mr. Kolbe. There has been a suggestion that one of the reasons for reductions in the Border Patrol—and it goes along with JTF VI, Joint Task Force, and others—that there is a view among the administration that the war on drugs should be given a lower priori-

ty. Is that an accurate statement?

Ms. Sale. I have not been given any direction to that effect, sir. There have been statements in the press and elsewhere generally about an increased emphasis on demand reduction, as distinct from interdiction. I don't have any personal knowledge or official information from the administration that would say: And that is why you didn't get more people for the Border Patrol. It has not come up in that context.

Clearly, the Border Patrol's record on drug interdiction is strong and has been getting stronger for the years that we have tracked it. Both in terms of apprehensions and in terms of the street value.

U.S. MEXICO BORDER

Mr. Kolbe. You said 163 positions, but then when you net it out with the decrease, it is 135. How will those be allocated? How many will be going to the U.S.-Mexico border region, do you know?

Ms. SALE. Principally all of them, sir. I can tell you now or, if you would like, I can submit it for the record. We have distributed 35 to San Diego, 37 to Phoenix, Buffalo, 18; Seattle, 11; Harlingen, 18; San Antonio, 20; and El Paso, 15. So, essentially, all but 29 of

them are going south.

Mr. Kolbe. What kind of impact do you think this will have on the delays that now exist at the border? Have you been able to make a projection? Will this be sufficient to give you the staffing pattern that you need in order to meet the joint staffing with customs along the border?

I get this all the time that customs people are there and——

Ms. SALE. And INS is not.

Mr. Kolbe [continuing]. And INS is not there.

Ms. SALE. No is the answer. It takes us a part of the way there, but it does not take us all of the way there.

NORTH AMERICAN FREE TRADE AGREEMENT

Mr. Kolbe. What kind of work are you doing in terms of preparing for the North American Free Trade Agreement? Has your agency done some studies of what this will mean in terms of projections about increased flow of legitimate traffic across the border

and what kinds of increases you will need?

Ms. Sale. Program officers in the inspection program do participate on interagency committees and task forces where we review that. We are very, very active along with Customs, in particular, and other agencies that are at the borders, looking at Land-Border 2000 as well as Airport 2000, but very particularly in the land-border side to do contingency planning and preliminary planning on what our role would be, and what would be required in changing our procedures on the land border.

Mr. Kolbe. So you are saying this is an ongoing process. Is there a master plan in place now, a projection or a long-range plan?

Ms. Sale. There is in development—

Mr. Kolbe. In development.

Ms. Sale [continuing]. A document called Land-Border 2000 on which we are working principally with Customs. It does, in fact, redescribe the existing memorandums of agreement that have been in place since the late 1970s on their share, our share, our roles, et cetera. Those had come, I guess, to an impasse earlier this year,

principally over an issue regarding resources.

We have Mike Lane, who was acting commissioner and may still be. I have had several meetings in which we have agreed that we both face problems that are too big not to get on with. We have reinitiated that. Our meeting, not just on the inspections side, but also on the law enforcement side was to see where we can share resources and move on our mutual agenda in a positive and deliberate way. I expect that some of that will have some bearing on our requirements.

There is no question, however, that the numbers of our inspectors don't match the numbers of Customs inspectors, and that we have yet to get to a point where we can do what is our fair share in

the context of a 50-50 staffing of the land borders.

Mr. Kolbe. One more question on staffing. In that 10-year table, will you include your fee accounts.

Ms. Sale. Absolutely. Mr. Kolbe. Thank you.

INSPECTOR STAFFING MODEL

Last year, when the commissioner appeared before this hearing, I asked him about the INS staffing model which the GAO says it used in reaching its conclusions about the number of inspectors needed and was told that INS disagreed with the assumptions in that GAO model and that it was working on its own staffing model but that such a study was forthcoming. Is it? Is it out? Is that what you were referring to a moment ago?

Ms. Sale. That is a piece of what I was referring to, yes. The con-

tract is finished. We have a report delivered.

We have been using it to model now what the staffing contract that the commissioner spoke to last year was about. An arithmetic model that would say to us, then you can use this set of formula and these sets of procedures to verify and describe, since the land borders are so inherently different, a lot of sites are very different, and that puts logistical constraints on what is possible and resource requirements.

That has been delivered to INS. We are in the process of using it to make decisions about an increase such as this 135 and what sites

would get the positions and what sites wouldn't.

BORDER FENCES

Mr. Kolbe. Okay. Well, I would like to pursue that, but I don't

want to go over my time very much.

I have a couple of other quick questions I do want to ask about the border fence. There is a lot of controversy along the border about this new border fence. First of all, just to clarify for the record, is it the responsibility of the INS, Border Patrol, to main-

tain the physical barrier along the border?

Ms. SALE. INS has that responsibility. The IBWC, International Boundary and Water Commission, as I understand it, is principally concerned with monuments on the border and water flow on the border. I don't know who else thinks they are responsible.

INS has the responsibility for maintaining the fence. We have not had enormous resources to dedicate to it. I am sure you are aware that we have worked very, very closely with the Department of Defense, the National Guard in particular, and given them seed money which, in turn, has brought in their resources in a very serious and positive way to put up these helicopter landing mats along the San Diego area. We have seven miles of that up now. We are beginning to replace fence where it exists in other urban areas that is dilapidated and in poor condition.

Mr. Kolbe. Before I come back to that fence, Mr. Chairman, I think we have identified a very interesting problem that this committee really needs to look into a little more and perhaps make some recommendations to the authorizing committees. It is apparent from what you are telling me that there is no legal authority anywhere in the statutes for any agency—or requirement or authority or responsibility for the maintenance of physical barriers at

the border.

Ms. Sale. I am not aware that it is articulated as such, sir, but I would also have an opportunity to let our lawyers make sure that that is an accurate statement before we just assert it.

Mr. Kolbe. IBWC is very clear in saying it is really not their responsibility. They have only the responsibility for maintaining the

monuments which demarcate the border.

Ms. Sale. The 1980 authorization act for——

Mr. Kolbe. Your General Counsel is here. Maybe he would like to comment on it.

Mr. VIRTUE. My name is Paul Virtue, I am the Deputy General Counsel for INS.

Our 1980 authorization language included language which authorized INS to complete repair and maintenance on border fences, but did not provide specific authorization beyond that for new construction or anything with regard to fences. INS has gotten appropriated funds or asset forfeiture funds.

Mr. Kolbe. But this steel wall comes under this repair and re-

placement, not under new construction?

Mr. VIRTUE. Right.

Ms. SALE. That is right.

Mr. VIRTUE. It is replacing a fence that was there that was a very brittle, rusty, and worn out fence.

Mr. Kolbe. You are replacing a three-strand barbed wire fence.

Ms. SALE. Yes, sir.

CONSULTATION WITH COMMUNITIES ON NEW FENCES

Mr. Kolbe. Cattle fences—those of us who are cattle ranchers in Arizona, we know what those are.

On the new border fence, how much consultation was there with the communities about this fence? Ms. SALE. Extensive consultation.

Mr. Kolbe. It is safe to say it is very unpopular in most communities—though I have one community that thinks it is great. But it is generally very unpopular.

Ms. Sale. It is my impression that we, in fact, consult with the local law enforcement as well as governments before we put those

fences up, sir.

Mr. Kolbe. How about other government agencies besides law enforcement?

Ms. Sale. And the local government. I mean the city council, the

mayor, whoever is appropriate in each of these instances.

Mr. Kolbe. How about NGOs, nongovernmental organizations such as chambers of commerce and other groups like that? Has there been any consultation with them?

Ms. SALE. That is generally handled locally—local discretion. The

guidance is to do as broad a consultation as possible.

We are acutely aware that you are damned if you do and damned if you don't in the Border Patrol, sir. If you let someone in who blows up the World Trade Center, they kill you. If you build a fence to keep them from coming in, then you have not done the right thing either.

Mr. Kolbe. Believe me, I understand. I am not trying to make

your life more difficult.

Ms. Sale. The instructions to the chiefs and my feedback is that, in fact, in all of these instances we do consult locally before we come in with the big steel plates. Now, if there are specific places where people are unhappy and you would be willing to let us know, I would be more than happy to call for another set of local consultations. But I need some feedback on where they are.

Mr. Kolbe. I would and I will.

Ms. SALE. Thank you.

NOGALES FENCE AND FREE TRADE TREATY

Mr. Kolbe. In part, it has been because of a change in administration at the local level in the Nogales area, but they claim there was no consultation before. But, in any event, it is very unpopular there and the contract is about to be let in September for that.

Nogales is a little different than Tijuana where you have a river along the side and a canal. In Nogales, the buildings are within 12 feet of either side of the border, 20 feet. It literally runs down a little street through the city there, and it will be a very major barrier

And it does say something symbolically about building barriers at the time when, with the free trade agreement, we are trying to reduce barriers. I understand the problem you have on the one hand, trying to make it safe from the illegal traffic——

Ms. Sale. I am sure you are aware that in some of these communities we have some real violent crime problems and some theft

problems.

Mr. Kolbe. Absolutely. The other community is where it is very popular. They want to get into that.

Ms. Sale. Yes.

STEEL FENCE SUPPORTED BY SAN DIEGO

Mr. PACKARD. Would the gentleman be willing to yield for a moment?

I can only attest to the San Diego area where the fence is being built, there was a very strong recommendation and very, very significant cooperation and interest both from the entire San Diego County congressional delegation—myself included—and the city-county authorities to build a fence. We had, and still have, a major, major problem at the border. The steel fence was certainly a welcomed approach that the INS agreed to build.

INS is doing some other things there, including lights and ravines and a roadway along the fence where they can better monitor illegal crossings. They are doing some things that many of us have

been requesting action on for some time.

So I can only speak for the San Diego County area. It has been a welcome effort. The illegal immigration across the San Diego border, the 14-mile stretch of the San Diego County border separating Mexico, there are reported to be more illegal immigrants crossing that 14-mile stretch than all the rest of the country put together annually. So the problems coming into my district and into our area is absolutely mind boggling, which I will ask some questions later on.

Mr. Kolbe. Mr. Chairman, I would yield my time and in conclu-

sion just make one comment.

Thank you very much for the cooperation your agency has given in dealing with the significant crime problem that exists in the local community of Noco. The crime has really terrorized that community with the gang that is causing the problem there, and we

need all the help we can get with that.

The other comment that I would make is simply that I would like you to examine this issue again of the authority to maintain the barrier—wherever the barrier may be along the border—and whether or not you or somebody needs to be given specific authorization to build, construct and maintain it. Because it appears to me we have not only a gaping hole in the fence but a gaping hole in our law in this matter.

Ms. SALE. We will be happy to review the 1980 authorizing statute, give you a little bit on the history of what was there, see if it is sufficient and provide it for the record.

Mr. Kolbe. Thank you. Thank you, Mr. Chairman. [The information follows:]

INS' Authority to Build and Maintain Border Fences

Public Law 96-132, the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, contains language which pertains to the Immigration and Naturalization Service's authority regarding fences. Section 2(10)(L) provides authority for "acquisition of land as sites for enforcement fences, and construction incident to such fences." This authority remains in effect at this time.

ASYLUM LAWS

Mr. Smith. Mr. Moran.

Mr. Moran. Thank you, Mr. Chairman.

PEST AVAILABLE COPY

I was gone for a few minutes, but it would probably be an accurate assumption that the less-than-enthusiastic appraisal of some of the INS activities has been relayed by Members of this committee and that one example might have been the World Trade Center bombing. Would that be an accurate assumption? That that was part of the record?

Mr. Smith. Not specifically.

Mr. Moran. Oh, no? Well, that is one example.

Another is Mr. Kansai, a Pakistani who had applied for a visa. And he entered the country on a visa and then applied for political asylum and then wound up killing several of my constituents out-

side the CIA building.

We have figures now that back in 1980, there were fewer than 5,000 asylum requests, and last year there were 103,500. Something has gone wrong, and I am sure that there has been a response to a similar tone of inquiry, though, and I don't want you to repeat yourself. But are you monitoring what is happening to one of those big mistakes with Mr. Kansai who never should have gotten here in the first place—not to mention the sheik that organized the World Trade Center bombing?

Ms. Sale. If you are speaking with precision about those instances and those cases, let me assure you, sir, that INS has made its criminal investigative force available to the FBI, and to the broader law enforcement community with all the dedication and

vigor that is appropriate and necessary.

In fact, I have very, very gracious letters, both from Mr. Sessions, with regard to the CIA shooting, and from Mr. Fox, who is the Deputy to Mr. Sessions for the New York case, about the INS's participation. It was through the efforts of our staff that these people were, in fact, identified and designated to be who they are. So that meant we could positively identify them.

INS is committed to enforcing the immigration statutes. The statutes are the statutes. And where the asylum laws provide certain opportunities to individuals who come into the United States, we have an obligation to administer them as they are written. That

is the subject of another committee.

Mr. Moran. Some new authorization?

Ms. SALE. Until that gets done, I think it is important to acknowledge the constraints that we have within the law.

REACTION OF ADMINISTRATION TO CONGRESSIONAL BILLS

Mr. Moran. Is the administration going to support the Mazzoli

or the Rogers bill? And/or the Rogers bill?

Ms. Sale. The administration is in the process of reviewing a whole variety of proposals, sir, that run the gamut from Mazzoli, McCollum, to Schumer. I have not seen the Rogers proposal, per se. I am not sure it has been introduced. But I understand some of the concepts——

Mr. Moran. It is the same as the McCollum bill.

Ms. Sale. Okay. The administration has yet to issue a formal, comprehensive review on this, although they are very concerned about the issue and are looking at all of their options.

POLITICAL ASYLUM PROCESSING

Mr. Moran. Well, let me get a little more parochial here, if that is possible with INS. But the asylum office of the Arlington district of INS has got to be one of the worst in the country. I hope it is the worst in the country. I hope there are none worse, to be honest with you, because there are accounts of people waiting three, four—I have heard of people waiting five years for some of the cases to be adjudicated.

My office has written a number of letters of inquiry to that office and received nothing more than form letters. But even the form letters aren't received until six or more months after the letter is sent. You know, it is one thing to get a form letter, but when you have to wait six months to get a form letter, it gets frustrating.

A couple of the intake people have been arrested for creating false documents. You know, I am sure that every other office is run

beautifully. But why is this such a disaster?

I know Mr. Kolbe runs Grand Central Station there, in terms of illegal aliens coming in, and he has some major problems. But, you know, we have an awful lot of people coming into the Washington area through Dulles and National airports.

Ms. Sale. I agree.

Mr. Moran. That is an important office. And, gosh, when we don't even have anybody we can deal with that is—what is going to be done about that?

Ms. Sale. There are two things ongoing simultaneously, sir. I am

sure you are aware of the history.

The Asylum Officer Corps was established just under two years ago. No sooner did we open offices than we doubled the number of the personnel that were to go into those offices. We have been catching up ever since with receipts and workload that is twice what the estimates were when this committee graciously approved the initial proposal to establish this separate corps.

It is not good news, but the truth is that we are still catching up with, administratively, all of the structure that goes with building a set of offices for one size operation, doubling the size of the operation while the offices are still being built. The asylum office in Ar-

lington is one that is still in the midst of all of that.

We also have a workload that is twice what anybody anticipated. It is a piece of the broader set of issues that we have discussed, both in the context of what the world community has decided it can do with the United States' generosity. In some instances it is abusive and takes advantage of it. With our own procedures, due process is extraordinary because there is such an intent to make sure that we don't make a mistake, in sending someone home to be raped and pillaged or otherwise abused. We take extraordinary time in the process.

I have engaged two activities this Spring. One is I asked the Attorney General, who has been very gracious in providing me staff from her Management and Planning Staff, to do a very comprehensive management review of all of the Asylum Office activities. Mr. Bob Diegelman, whom you may or may not know, has assigned staff to do that review of administrative procedures where we can

in fact improve the way we do business.

We are going to bring, and we have already brought to bear, the production environment in the service centers that were built for the adjudications of INS examination activity to facilitate just paper handling on behalf of the Asylum Office. That has been installed incrementally.

Simultaneously, we have engaged the NGO community in a set of discussions about the rulemaking, the process under rulemaking authority. Knowing that the statute may change, but not wanting to wait for that, we can revisit all of the procedural requirements that are in place under rule today, to see if there are things we can do to make it possible for us to move those decisions more efficiently and more quickly than we do today.

There are very elaborate due process requirements in the regulations that call for almost a paragraph-by-paragraph justification on

denials as an example of what we have to do.

There is a 60-day waiting period for an assessment from the State Department on country conditions, a whole variety of things that just slow us down. While the Congress visits the statutory basis under which the program is run, we are also looking at those things that we could do under administrative authority.

I am looking for reports from those two studies in the June time frame that will hopefully enable us to address some of the issues

that you have raised.

Mr. Moran. So the answer is that you would expect that we could start seeing some changes within the next couple of months? Ms. Sale. I hope so, sir.

PAYMENT OF FINES BY AIRLINES

Mr. Moran. There was a recent news article about Zimbabwe's national airline. The British Government has charged them, billed them over \$600,000 because of the penalties that have been accumulated over the last five years at London's Gatwick Airport. They have finally severely tightened up the flow of hundreds of people—thousands, probably—that were trying to get in without proper traveling documents. It accomplished its objective.

Do we have a comparable program where we bill those countries

and has it been similarly successful in any instance?

Ms. Sale. We bill airlines, sir. We fine airlines \$3,000 per capita for undocumented or badly documented aliens, something to the tune of \$21 million a year. In some instances, frankly, the airlines are as much the victim as we are, and we recognize that. But the statute does provide for INS to bill airlines, and that is principally to encourage airlines to review people's documents carefully before they put them on board airplanes and bring them stateside.

We do not to my knowledge bill governments, as it were. We have in some instances engaged the State Department where the airline is government-owned to assist us in expressing our concern

about the numbers of—

Mr. Moran. In this case it was a national airline?

Ms. SALE. Yes.

TEMPORARY PROTECTED STATUS FOR SALVADORANS

Mr. Moran. Let me ask one other question. The temporary protective status for Salvadoran refugees expired last June.

Ms. SALE. No, it expires this June, sir.

Mr. Moran. This June?

Ms. Sale. Yes.

Mr. Moran. Is that right?

Ms. Sale. It expired last June and was extended a year.

Mr. Moran. All right. It was extended a year and President Bush deferred it for a year?

Ms. SALE. That is exactly right.

Mr. Moran. Okay. What are you going to do at that point? Are you going to try to send the Salvadoran refugees back to El Salvador?

Ms. SALE. The administration is considering whether or not to yet again extend deferred enforced departure. I would hope that we would have a decision on that soon.

Mr. Moran. In June?

Ms. SALE. Before June. If we are going to do it, we should do it before June. sir.

Mr. Moran. One would hope.

Ms. SALE. Yes, sir.

Mr. Moran. It is of some interest to communities like ours that have thousands of Salvadoran refugees.

Ms. SALE. It is of great interest to many communities, and we are well aware of it.

Mr. Moran. Okay. Well, thank you.

Thank you, Mr. Chairman. Mr. Sмітн. Mr. Skaggs?

Mr. Skaggs. Mr. Chairman, since I was late arriving, if I could pass so Mr. Packard could ask some questions. I will go later.

Mr. PACKARD. Well, thank you very much, Mr. Chairman.

You are aware that I am not a member of this subcommittee, although I am a member of the full committee, and because of my intense interest in this, you were gracious enough to give me permission to come and participate in the hearing and ask some questions of the commissioner. I appreciate that opportunity.

Ms. SALE. Thank you, sir.

COSTS OF ILLEGAL IMMIGRATION

Mr. Packard. You have already heard briefly how the area that I represent, the districts, congressional districts of San Diego County are severely impacted by the illegal immigration problems and all of the related problems.

I was a very strong supporter and helped draft provisions of the IRCA bill, and my concern of course, one of my concerns is that we enforce that bill in an effort to try to control and stem the tide of illegal crossings around the country, but particularly in my area.

The cost of supporting and all the costs associated with aliens that are here illegally increase substantially once they are here and take advantage of the programs, social and educational programs and health programs that are ultimately made available to them. Those that pick up the cost are primarily at the local and

county levels, some at the State and some at the Federal. But the

bulk of the costs are picked up at the local level.

My communities and school districts and hospital boards and so forth are truly groping under the weight of those costs. It is bankrupting some of our hospitals. Some of our school districts are spending their most expensive educational monies for the rather intensive programs to teach the children of illegal immigrants that don't understand English. The cost of administrating those are astronomical to our cities and counties and hospitals and schools and other agencies.

In your budget submission that is being discussed this morning, do you have adequate funds to implement the requirements and the proposals of the IRCA bill in terms of the additional personnel that is required to monitor and to protect our borders and to pay for the local costs that were included in the Immigration Reform

Act?

Ms. Sale. No, sir. The IRCA bill authorized border patrol agents, my recollection is in excess of 6,000. We have never had monies to fund that number of agents. If the IRCA bill spoke to providing monies to State and local communities for health and welfare and educational costs of immigrants, they certainly aren't appropriated to INS and we don't have them available in this budget to speak to, sir.

Mr. PACKARD. I think the Immigration Reform Act allocated \$4 billion over a period of four years.

Ms. SALE. Authorized it.

Mr. PACKARD. They authorized it. It has never been funded.

Ms. Sale. It has never been appropriated.

Mr. PACKARD. I think there has been some appropriations, has there not, just not to the levels, some reimbursements to States?

Ms. SALE. The Immigration Emergency Fund, which had \$35 million appropriated to it, but those were only for the instance of a mass immigration emergency as opposed to social and welfare benefits.

Mr. PACKARD. I think most of that, according to the law, is earmarked for legal immigrants rather than the illegal immigrants, if I am not mistaken.

Ms. Sale. That is probably the case, yes.

Mr. PACKARD. And some of that has flowed, only a small portion of it, to the local and State agencies. But there are no funds requested here to reimburse?

Ms. SALE. Not within the INS budget authority, no, sir.

Mr. PACKARD. So we have to assume that the budget will not be able to take any major steps in terms of increased personnel this

year, in the 1994 budget request?

Ms. SALE. The budget assumes an increase in personnel for land border inspectors, for criminal investigators, and for some legal support on behalf of that activity. It does not assume large border patrol increases, no.

ELECTRONIC EQUIPMENT AND BORDER CONTROL

Mr. PACKARD. What is the situation relative to surveillance and high-tech equipment that can be made or has been made available in terms of detection at the borders?

Ms. Sale. We continue to support the placement of sensors at the border, and have had ongoing a research activity that will deliver a new form of sensor this summer. There are monies in INS accounts that actually rolled over from last year under asset forfeiture and other kinds of nonappropriated funds, which will be available to be dedicated to an increase in that activity.

We have been slowly putting in better radio frequency channels and better equipment for the patrol, not as much and as fast as we would like, but there have been funds for that. We are testing a

variety of fingerprint technology methodologies.

You may have seen some of that at San Ysidro, where we tap into state-based databases to enable us to identify people who have criminal backgrounds once we encounter them.

HEALTH CARE FOR ILLEGAL IMMIGRANTS

Mr. Packard. The Surgeon General—we read reports a week or so ago that determined or made a statement that illegal immigrants ought to be able to access any new healthcare plan that is being discussed here by Hillary Clinton's commission.

Would that have any effect or impact on your agency?

Ms. Sale. Let me begin by saying that I know of no consultation with INS. I don't know that the Department has had any, in the context of the Surgeon General's description. I would be very concerned that health benefits would be a draw where we already know that the social welfare and education benefits that are available to American citizens are a draw for people who would prefer to live here than the countries that they are in. I can only assume that this would only exacerbate that situation.

INS MORALE

Mr. PACKARD. It would be an attraction for them to come at any

cost or in any way.

What is the morale of the agency at the present time? I read an article in the Los Angeles Times, and I am very much aware that the agents and the agency itself is often under attack because of the very controversial problems that surround the whole issue of border crossings.

How would you categorize the articles that are being printed and

the actual morale of the agency itself?

Ms. Sale. Let me begin by categorizing, if I may, that series of articles in The Los Angeles Times. I have actually signed and sent a letter to the editor. I don't know if they have printed it; I haven't seen it in our clips, in which we acknowledge some of what is in the articles, but recognize that much of it is anecdotal and dates back to the 1980s.

The article relies disproportionately, in my view, on malcontents and ex-officers, and does not, I think, give full credit to some of the management improvements that we have, in fact, been trying to engage in the last two or three years. We have made major

changes to the curriculum for the border patrol academy, and major changes to our selection process to include language testing. Recently we established, under the new organization, an Office of Internal Audit that has built a database on complaints filed by employees and against employees within the agency, so that we can track them administratively and make sure that we have a better record than we have today on responding to those complaints.

The panoply of things we need to fix is broad. I think we have made progress. I think the article relies to a great extent on old and anecdotal information, and does not in fact give a fair assess-

ment of where we are.

You missed an opportunity, sir, I think because you were late arriving, to hear me tell Mr. Kolbe that you are damned if you do and damned if you don't. So I appreciate your acknowledging that.

I think if you asked me to characterize the morale of the agency, I would say that it is also uneven. I think there are many of us that have hope and that fully expect to see the fruits of improvements that have been under development for the last three or four years, and have high expectations. Those are tempered by the reality of the extraordinary, extraordinary work that this agency faces, and the fact that its support is, at best, uneven, because in fact there are as many people who would rather we not exercise what is required of us under the Immigration Act. It is a very, very difficult job, and the people who are in the field who are in my mind enormously dedicated and highly professional frequently don't get the credit they deserve. It is the squeaky wheel that gets written up in the newspaper article. So that makes it hard to keep morale up.

SAN CLEMENTE TRAFFIC CHECKPOINT

Mr. Packard. One last question if I may, Mr. Chairman.

The agency has been doing I think some very good work in improving the check points.

Ms. Sale. Thank you.

Mr. PACKARD. Particularly in southern California out on the I-5, the Interstate 5 check point in terms of the new check point at

Camp Pendelton.

Ms. SALE. In November of this year we received a proposal for comment from CALTRANS that essentially says we need twice as much acreage, twice as much money as has been appropriated, and that, at best, we won't see a new check point until the year 2006. We have engaged a feasibility assessment of that proposal to see what we do with that piece of news.

I also, in the interest of truth in government, need to say to you that of the \$30 million that were appropriated for the San Clemente check point, \$10 million this year were, with this committee's approval, reappropriated to protect the agency from budget

cuts. That \$10 million is no longer in the account.

The other \$20 million are in an account, somewhere between transportation and California. The staff knows exactly where it is. It is obligated, but it hasn't been expended. We have made small expenditures, particularly in the context of this feasibility study, and I think are in the process of looking at what do we do now. In

fact, it appears that we have an enormous financial hurdle to overcome in addition to renegotiating with Camp Pendelton, both site and acreage. We are in the process of looking at our options and aren't there yet, sir.

Mr. PACKARD. I am sorry to hear that. Of course I was disturbed also that CALTRANS was suggesting that it could take up to 10

years, nine to 10 years to build a new facility.

Ms. SALE. That is correct.

Mr. PACKARD. That was totally unacceptable to me, and now it seems like that it is even longer. I am very concerned about the progress we are making there. If we are going to have a check point there it ought to be functioning full time and it ought to be effective.

Ms. SALE. Are you aware that we are making improvements on the local facility that is there now?

Mr. PACKARD. I am aware of that.

Ms. SALE. We made about a million dollar's investment in it and we expect those improvements to be finished this summer. That doesn't solve the transportation issue.

ILLEGAL ALIENS, A FINANCIAL BURDEN TO BORDER CITIES

Mr. Packard. Mr. Chairman, I appreciate very much—obviously this is of great concern and I think that the agency's primary responsibility relative to the borders is to try to secure our borders in the most appropriate way, and we certainly hope and will work with you in any way we can to help you accomplish that, certainly in our area of the borders.

The problem that it brings to our local communities and the costs there, as I have mentioned already, is truly mind boggling. It is bankrupting cities, counties, literally extracting funds that they simply do not have. They are already short of funds. Many of my hospitals, many of the hospitals in San Diego County and in other parts of southern California, the uncollectibles are reaching points where they can't remain open.

As you well know, those are major, major problems. Immigration is far and away the most significant problem I struggle with in my district. There is nothing that dominates my time, my interests, my

problems more than that single issue.

Ms. Sale. If it is any comfort to you, sir, our Attorney General obviously is painfully aware of this since it is also an enormous issue for Florida. I have heard her speak eloquently about that, and all are actually very hopeful that with her leadership, we will, as an agency, as an institution, and as a policy agenda for this administration, have a level of attention that will benefit us all.

Mr. Packard. I think the prevention of people crossing into the United States illegally ought not to be interpreted at all as an insensitivity to the needs of the people. I think we are very sympathetic and very, very empathic toward the needs and the problems of those who come. But they ought to do it legally and not illegally, and that is my point.

Ms. SALE. Thank you, sir.

BORDER FENCE

Mr. Smith. I am curious about this fence you referred to in Tijuana.

Ms. SALE. Yes, sir.

Mr. Smith. Where is it located? Ms. Sale. Right along the border.

Mr. SMITH. Is that along the border where San Diego extended their city boundaries down the interstate and then took in a commercial area to make it easier for people to cross for business purposes? Is it right there?

Ms. Sale. It is literally along the border in what I would best describe as that no-man's land, where people would race across

around the port of entry and across gullies.

Mr. Smith. That was a little bit east of there.

Ms. SALE. That is right. It obviously doesn't traverse the highway. We have the port at the highway, and it did not traverse the river. We only recently negotiated, with the collaboration of IBWC——

Mr. Smith. They extended their city limits down the highway, and then down at the border. They took in an area so people could build factories and make it easier for people to cross. That is not the area that we are talking about here?

Ms. SALE. What I have seen at the fence is that, today, it extends

from the ocean 17 miles east.

Mr. Smith. Well then it does cover that area.

Ms. SALE. It is not in the middle of an urban area. The urban area approaches it on both sides.

Mr. Smith. It wasn't urban then. They extended their boundaries to make it easier to get some more tax money.

Ms. Sale. It is built along the international demarcation line.

Mr. Smith. When was it built?

Ms. Sale. Over the last two years—three years. There used to be a chain link fence there, and what we have been doing is replacing that with helicopter landing mats.

Mr. Smith. Mr. Skaggs.

Mr. Skaggs. Thanks, Mr. Chairman. I apologize for not getting here for your opening statement or other responses to questions. So if I start to cover territory that you have already plowed, just call me up short, please.

Ms. Sale. Thank you, Mr. Skaggs.

USE OF FINES PAID BY AIRLINES

Mr. Skaggs. I was intrigued with your response to one of Mr. Moran's questions about the fines levied on airlines, that either out of mistake or bad luck carry in improperly documented people. What happens to the fines that you collect?

Ms. Sale. They go into the immigration user fee account, and are available for operating expenses in support of the inspections pro-

gram.

Mr. Skaggs. Being new to this subcommittee, are those funds then available without further appropriation action, or how does that work? Ms. Sale. They are subject to your review. This committee and the Senate committee both review our budget proposals. The budget before you includes both budget authority for an appropriated account, as well as budget authority, spending authority, essentially a checkbook, for use of the user fees and the exams fees.

We also collect fees for processing adjudications, essentially all the processing that leads to getting a green card, if you want to

characterize it that way.

Mr. Skaggs. Those monies out of that account are nonetheless scored as a regular appropriation would be for Budget Act purposes, I assume?

Ms. SALE. There is a difference in the scoring. If you ask me what the difference is, I am going to defer to Ms. Jacobs who is sit-

ting with me and knows that better than I do.

Mr. Skaggs. I can probably get that answer from our staff as well. I just wonder—it was a predicate to asking about the new fees that you are interested in levying and how they would effect your request for appropriated funds.

Ms. SALE. We would have to come forward with a request for expanded budget authority, which would be subject to your approval, and with your approval, then we would be able to spend the money

from the fees collected.

Mr. SKAGGS. Is that an on-budget item for purposes of scoring, Mr. Chairman, or is that——

Ms. JACOBS. No.

Mr. Schafer. We don't get scored for it by the CBO. INS collects the fees, the authorization allows them to reimburse their appropriated accounts for any expenses associated with the service provided. For example, their whole airport inspection program, which previously we appropriated the money for, now is totally funded through fee collections. Those fees reimburse for all the inspectors and overhead associated with the airport inspections.

Mr. Smith. They estimate what they are going to get and they

may or may not get it.

Ms. SALE. That is right.

Mr. Skaggs. For purposes of being scored, this is free money, as it were?

Ms. SALE. Yes.

Mr. Skaggs. And therefore somewhat attractive to you?

Ms. SALE. Well, to all of us.

NEW FEE PROPOSALS

Mr. Skaggs. If your new fee proposals therefore are authorized, what does that enable you to do? Four hundred additional inspectors are mentioned.

Ms. Sale. That is the fee that we have been discussing. Mr. Smith, I don't know if you have had an opportunity to be briefed on this. We have been making the rounds talking to staff about levying fees, charging for the replacement of land border crossing cards, and a variety of other activities that occur at the land border that are adjudicatory in nature, that allow people to visit the United States for either an extended period of time or for a geographically defined period of time.

It is a facilitation of entry into the United States, essentially, and we have been developing a proposal that would enable us to charge fees for that. Those fees would then enable us to hire additional inspectors at the land borders, yes.

Mr. Skaggs. That would require authorizing legislation or not? Ms. Sale. No, no. We do not require authorizing legislation. We require your budget authority approval, and we have not presented that yet. We are still in the process of developing this proposal.

Mr. Skaggs. And you nonetheless live under an authorized FTE

cap, which we would have to act on.

Ms. Sale. Yes, which we would have to act on.

Mr. Skaggs. This would seem to hold great promise of cash fund-

ing the required operation taken to its logical conclusion.

Ms. Sale. Well, there is statutory guidance that we live with both requirements under the Budget Act and cost accounting methodologies. The House Appropriations Investigations staff in fact has just concluded a review of the methodologies that we use to determine what we charge to the accounts and what we don't.

Mr. Skaggs. I say that somewhat facetiously. As we struggle with the caps that we are supposed to live with, I am sure the pressures will continue to mount to find creative ways of finishing them, and in some sense that is a worthy exercise. In other ways, starts to turn our assertions about what the Federal Government is spending into a somewhat deceiving or deceptive proposition if these monies don't show up in our appropriated totals, but that is more philosophical than this hearing probably needs to pursue.

Just a question or two about the handling of HIV positive indi-

viduals. That legislation is still in conference; is that right?

Ms. SALE. That is correct.

Mr. Skaggs. Currently, the ban on HIV positive is across-the-board or is it just for permanent immigration purposes?

Ms. SALE. Well, the——

Mr. Skaggs. And visitors visa?

Ms. Sale. No. It is for immigration purposes. So for instance, a refugee candidate would have to have a physical exam before he was then brought into the United States to immigrate. An immigrant, at the point that legal permanent residency or something of that nature is conveyed, would be brought in. We do not ask for medical tests of people that are coming in for business purposes and to visit as tourists.

IMMIGRATION TRENDS

Mr. Skaggs. Let me go on to another somewhat peripheral issue, perhaps from your point of view. A lot was said on behalf of our favorable action on NAFTA about the long-term beneficial effects that that would have on immigration flows from Mexico into this country. Were you all consulted in the development of that argument, and if so, what sorts of modeling or what is the empirical basis, if you will, for making that case for NAFTA for the economic growth of Mexico having a direct correlation with the immigration situation, given birth rates down there and all sorts of other factors.

Ms. Sale. I don't know, sir, that there are empirical data or elaborate sort of census and demographic econometric studies that were conducted in that context. I think there is a belief and an understanding that an opportunity to live a better life in a stronger, more viable economy, and that jobs are a real draw to people who wish to come live in the United States.

So there is an underlying assumption that, if the economy gets better in Mexico, then that draw will be dissipated. I would ask your indulgence if I discover that I am wrong and that there were studies done two or three years ago. I know we participated. I am not aware of any studies that I could hand you that say here is the econometric model and here are the analyses that were done.

Mr. Skaggs. It certainly makes common sense to me and I am inclined to support our favorable action on it. I just thought if we had anything that could beef that up beyond all of our common

sense feeling that that would be one of the positive results.

Ms. Sale. There are academics who speak to those issues and who publish data of that sort, but they weren't necessarily funded or sponsored by INS. I couldn't deliver something on behalf of the Department of Justice.

INFORMATION SERVICES

Mr. Skaggs. One final protocol matter, except you probably have it from other parts of the country in addition to the Denver area. The "Ask INS" phone line, is that something that is peculiar to the Denver office, or is that around the country?

Ms. Sale. It is a service that we provide nationwide.

Mr. Skaggs. This is more of a statement than a question. We get a lot of calls in my office from constituents and others who are trying to avoid making a congressional inquiry, but end up out of frustration pulling their hair out and saying maybe you all can get through and find out what the answer to this is.

I understand that you are plagued with being shorthanded and are trying to do the best with the resources that you have. The success rate in this particular method seems to be spotty at best from what I hear from my staff, and I would just encourage maybe there would be some way of using some of the user fees to make that particular outreach and public information service more user-friendly.

Ms. Sale. I agree. We have just recently done a whole revision of

Ms. SALE. I agree. We have just recently done a whole revision of the text within "Ask INS" to comport with the amendments of the 1990 Act and to reduce the number of messages. I think when we first built the system we wanted it to be all things to all people and, God forbid, you were the guy whose answer was at the end of this litany of all things as opposed to at the beginning.

We have a real problem in that when we are done telling you what is recorded and we say, if you wait a minute, some live person will answer your question, there aren't enough live people out there to answer all of the people who would rather wait. We

have reduced the message, tried to manage that.

There are in this budget proposal funds out of the Examinations Fee account for public information purposes to expand telephone services whose mission it is to support that activity. I can't tell you that it is going to be perfect, but it is a real effort to try to recognize what is a known problem and to deal with it.

Mr. Skaggs. Thank you, Mr. Chairman.

GROUNDS FOR EXCLUSION

Mr. Smith. I am curious about polygamy being grounds for exclusion. Does that apply to countries, and people coming from countries where polygamy is legal?

. Ms. SALE. If you will indulge me, sir, I will let Mr. Puleo give me the right answer to that question. The answer is yes. It is not legal here; we don't care if it is legal where you live.

Mr. Smith. Well, that virtually excludes everybody from some countries then, doesn't it?

Ms. SALE. I would assume so.

Mr. Smith. Everybody that is wealthy enough to have more than one wife.

Mr. Skaggs. Or husband.

INSPASS

Mr. Smith. Or acknowledges that he is a polygamist.

What about the INSPASS?

Ms. SALE. INSPASS. Thank you for an opportunity to let us comment on that. The chairman is very aware that we have worked long and hard to put together technology that lets us move inspections faster, especially at airports, so we have machine-readable passports and the like that both check databases to make sure you are not a known bad person and assist us in making inspections determinations.

We are this Spring testing hand print technology in New York and Newark airports. This lets us put on a card the demographics about you. You and I can't read it in English, because it is all machine-coded and encrypted, and it says, in this instance Susan Jacobs, and it has encoded in it certain measurements about her hand. If she files for this, and we approve her as a person that is not wanted for reasons that we don't want her to have this access, then when she comes into the United States, she will be able to go to a special lane at the airport inspection, put the card through the machine, which will read what it says about her, and then put her hand on a reader.

If her hand matches the data in the card, then she will get a little piece of paper that she can take to customs, because they want it, and a gate will open and she will have passed inspection.

Mr. Smith. Now, these are people who come in quite often, I suppose

Ms. SALE. We are hoping to principally reach frequent flyers, basically your business travelers, who constitute a large proportion of the volume, but are not, once they have gone through the security check, likely to be high-risk entrants.

We are running a test for six months to make sure that it will carry large volumes of information. This technology is being used in places where people use it to get in and out of buildings; people use it for a variety of special security purposes, but it hasn't been used where you have got hundreds of thousands of possible candi-

dates. We don't have data on how long it will last on the machine and be good so that it reacts properly the way we want it to on a

regular basis.

We will kick off the test in New York and Newark airports within the next few weeks, actually, and give it six months time, see how it works and, if it works, we think it has got great, great possibilities for reducing the time it takes to get through an airport, our requirements for personnel and a whole variety of issues.

Mr. Smith. One more question about the polygamy. Is that a

rule, or a law, or what?

Ms. SALE. It is in the law. It is in Section 212 of the Immigration

Act; yes, sir.

Mr. SMITH. In some countries, the determination of whether you can have more than one wife depends upon their wealth, so in effect, what they have done is excluded the wealthier people from this country.

Mr. Skaggs. Mr. Chairman, could you yield on that? In line with my wise crack earlier, at the very least if we were going to think about changing that, it ought to be open only to countries that allow polygamy in a gender-neutral way.

Mr. Smith. Okay. Thank you.

Ms. SALE. Thank you, Mr. Chairman.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Immigration and Naturalisation Service

Investment Proposals

QUESTION: You have requested over \$25 million in program enhancements for 1994; however they show up in that portion of the President's request entitled "Investment Proposals", which are predicated on raising the budget caps. How can these proposals be justified as "investments"?

ANSWER: The requests for investments involve a limited number of programs which can be expected to make significant contributions to the accomplishment of the INS mission. The personnel requested for the Inspections program will permit INS to staff a greater number of traffic lanes at land border crossings, an investment that will enhance the use of time by those needing to access the border. This will have a positive impact on the Service's ability to facilitate the movement of traffic through land border ports-of-entry, while at the same time enhancing the agency's ability to enforce the Immigration and Nationality Act. The movement of commercial traffic across the border will be facilitated as well, benefiting the economies of both the United States and Mexico, particularly in the immediate vicinity of the border.

The enhancement proposed for the Investigations program would allow the expansion of resources committed to the Institutional Hearing Program, which focuses on the expedited removal of criminal aliens from the country without bringing them into INS's detention system. This investment in personnel will limit the costs of detention, a cost that makes the use of resources available for more productive purposes.

The increase proposed for the Legal Proceedings program will expand paralegal and support staff to assist attorneys with an emphasis on deportation cases involving criminal and other illegal aliens.

The resources requested for the Detention and Deportation program will be used to staff expanded facilities at the Florence, Arizona, and El Centro, California, Service Processing Centers (SPCs), add staff at other SPCs, and to add resources for alien travel, detention and welfare to support 375 new bedspaces which will be coming on-line at the Florence and El Centro SPCs. This investment will allow INS to expand its detention capacity which is essential to enforcement operations, so that it can constitute an effective deterrent to aliens considering entering the country illegally.

QUESTION: Assuming Congress is unwilling to raise the budget caps, do you believe these proposals are of a high enough priority to warrant reducing your base budget request in order to fund them?

ANSWER: The enhancements are important in view of the nature of their relationship to the accomplishment of the Service's mission. However, the 1994 Salaries and Expenses budget base is already austere as a result of Congressional action on the 1993 Salaries and Expenses appropriation, which cut the base by \$41.6 million, and reductions, which are being made in administrative costs in the 1994 budget request. Further reductions to the base in 1994 to fund enhancements would significantly add to the budgetary challenges already facing the agency.

QUESTION: Can you identify any programs which you consider to be of lower priority that could be reduced in order to fund these initiatives?

ANSWER: It is not possible for INS to identify lower-priority programs that could be reduced to fund enhancements, since substantial reductions have already been absorbed by the programs. The 1993 Salaries and Expenses appropriation was approved by the Congress at a level which was below the budget base. The 1994 budget request contains additional reductions which have been incorporated into the program funding levels to meet goals set for lower administrative costs and staffing levels.

FTE Reductions

QUESTION: In 1993, you made a permanent full time equivalent (FTE) workyear reduction of 18 to your Inspections program, with another cut of 28 inspectors in 1994. What impact will these reductions have on inspection operations?

ANSWER: In 1993, the reduction of 18 FTE in the Inspections program of the Salaries and Expenses account was offset as a result of the addition of 100 new inspector positions in the Immigration Examinations Fee account. In 1994, the reduction of 28 FTE will be offset by an increase of 163 new immigration inspector positions, producing a net increase of 135 positions.

QUESTION: Again in 1993 you made a permanent FTE reduction of 65 to the Border Patrol, with another cut of 93 agents in 1994. What impact will these reductions have on Border Patrol operations?

ANSWER: These reductions will have a relatively slight impact on Border Patrol operations. In 1993, the Patrol received nearly \$6 million for High Intensity Drug Trafficking Areas activities and another \$9 million from the Office of National Drug Control Policy's Special Forfeiture Fund for vehicles, allowing the Patrol to lessen the impact of the FTE reductions by initiating a number of force multiplying technologies which will improve the effectiveness of the overall agent workforce. These are:

o the continued use of military assets (intelligence analysis; construction and engineering; administrative and logistics expertise; field reconnaissance);

- o deployment of prototype, new generation, electronic sensor devices, which will augment the agent workforce by providing constant, reliable surveillance of key entry points;
- o the continued use of Low Light Level Television and other night vision technologies, which allow the monitoring and positive identification of illicit activity associated with sensor indicated intrusions;
- o the continued construction of high intensity lighting and/or fencing in heavily trafficked illegal entry points, which will reduce incidents of border violence, drug smuggling, and other criminal activity;
- o strategic deployment of technology to augment the on-duty force; and,
- o emphasis on advanced training for experienced officers to increase the effectiveness in the utilization of journeymen agent workforce.

QUESTION: How much of the FTE and administrative reductions will be made in headquarters and in management programs?

ANSWER: Decisions regarding the distribution of reductions between Headquarters and the field offices will be made as a part of the 1994 budget execution planning process, which will take place later this year. Service-wide, \$339,000 is the amount of the administrative reduction which will be made in the Management and Administration program. There is no FTE reduction in the Management and Administration program.

Asylum Seekers

QUESTION: Can you estimate the total number of aliens currently in this country awaiting hearings on their asylum applications?

ANSWER: As of May 1, 1993, 181,677 asylum applicants were awaiting interviews. The number of pending asylum cases as of May 1, 1993, was 272,081. This number includes applicants who have been interviewed and are awaiting decisions on their applications.

QUESTION: How many of these individuals are detained in INS custody?

ANSWER: The Detention and Deportation Division does not track the number of individuals seeking asylum who are detained in INS' custody, whether they are under exclusion or deportation proceedings, or have asylum applications pending before an immigration court.

QUESTION: If they are not detained, are they required to post a bond?

ANSWER: Those aliens not detained could be released on bond or on their own recognizance, on a case-by-case basis, at the discretion of the District Director.

QUESTION: Can you tell us the number of asylum applicants in the past year who have failed to appear for their hearing?

ANSWER: For 1992, the number of asylum applicants who had failed to appear for their interviews with the Asylum Officer Corps was 11,480, 30 percent of the 38,030 asylum interviews scheduled for the year. The number of applicants who did not appear for their asylum interviews in 1993 was 6,147 as of April 1, 1993, 18 percent of the 34,931 interviews scheduled with the Asylum Officer Corps.

Among the asylum offices the no-show rate for 1993, as of April 1, 1993, ranged from a high of 37 percent in the Newark, New Jersey office to a low of 7 percent in the Houston, Texas office.

QUESTION: Now successful are you in apprehending individuals who fail to appear for their hearing?

ANSWER: The Investigations program classifies the location and apprehension of individuals in this category as low priority (Impact Level III). With limited resources and major priorities such as criminal aliens, employer sanctions enforcement, fraud, smuggling, alien criminal organizations involved in drugs, and suspected aliens involved in terrorism, the program cannot afford to use limited resources to seek many of the aliens failing to appear for hearings.

QUESTION: Do you detain or deport such individuals after apprehending them?

ANSWER: The Detention and Deportation Division makes every effort to deport aliens once a final order of exclusion or deportation is entered.

QUESTION: What is the current backlog of asylum seekers? Will any of the enhancements in the investment proposal help reduce this backlog, and, if so, by how much?

ANSWER: The number of pending asylum cases with INS as of May 1, 1993, was 272,081. Fifty-nine positions are requested for the Asylum Officer Corps in the 1994 budget for the Immigration Examinations Fee account. Of these positions, 53 will be added to the Newark, New Jersey, Asylum Office, making its staffing level comparable to the Los Angeles, California, Asylum Office. The remaining six positions will be allocated among the other asylum offices. The additional positions will allow the offices to handle the current caseload of applications being filed, but will not be sufficient to address the backlog.

QUESTION: In the long run, would it be more cost-effective to increase resources for the hearing process instead of adding additional detention space?

ANSWER: Increases are needed both for the hearing process as well as for additional detention space. Resources are needed to meet processing demands and interview workload related to the continuing growth in asylum applications as well as for the hearings with the Executive Office of Immigration Review (EOIR).

At the same time detention space must be available to detain persons in exclusion and deportation proceedings who are filing asylum applications with the EOIR in an attempt to thwart actions being taken to remove these aliens from the country. In these instances, detention is necessary in view of the strong likelihood that the aliens would abscond if released. The threat of detention constitutes a deterrent to others planning to attempt to enter the country by filing an asylum claim to avoid exclusion.

Detention

QUESTION: What is your total request for detention for 1994, including fee accounts, and how does that compare to 1993?

ANSWER: The 1994 budget request for the Detention and Deportation program, including fee accounts, is 1,888 positions, 1,760 FTE, and \$222,344,000. The 1994 request is 265 positions, 137 FTE, and \$22,061,000 above the 1993 budget request for the Detention and Deportation program.

For alien travel, detention and welfare, the increased funds requested for 1994 are \$2,253,000. This amount is in addition to a base of \$62,048,000 which is planned to be obligated in 1993.

QUESTION: How many beds does that provide you, and how does that compare to your anticipated needs?

ANSWER: The total number of beds supported by all resources available to the Detention and Deportation program in 1994 is 6,222.

The funds requested under the Salaries and Expenses account will support the 375 new bedspaces coming on-line at the Florence, Arizona, and El Centro, California, Service Processing Centers during 1994. It is anticipated that these beds will be available for approximately nine months in 1994. The funds requested under the Immigration User Fee account will provide approximately 47 additional bedspaces.

INS has worked with the Bureau of Prisons and the U.S. Marshals Service to develop an overall Federal Detention Plan, which is the basis for the resource requests in the 1994 budget. Future needs will be examined in light of the plan and balanced against overall program priorities.

QUESTION: Last year you were provided authority to retain proceeds from breached bonds to be used to offset detention costs. How is this working?

ANSWER: INS is currently using the authority to establish a staff to further develop collection efforts required to administer the breached bond program. As with any new program, time is required to develop experience in the collection of breached bonds. A realistic estimate of the full potential of the fund will not be available until after the first full fiscal year of activity. This will allow INS to review the collections and determine how much revenue can be realized. This information will allow the agency's financial managers to determine the scope of the initiatives that can be supported by the fund.

QUESTION: Now much do you currently anticipate you will collect in 1993, and what are your estimates for 1994?

ANSWER: The 1993 estimate is \$11,500,000, the first \$8 million of which is deposited in the Treasury. This is based on current collections for the first six months of 1993. The estimate for collections in 1994 is \$13,900,000. This is based on the assumption that the debt collection and bond management systems will be operational and will enhance the bond collection process.

QUESTION: Now will those funds be utilized?

ANSWER: The funds collected in excess of \$8 million will be used for the following:

- . fund bed space for deportable aliens;
- . enhance bond management and debt collection systems;
- provide additional staffing for detention and deportation officers;
- provide additional staffing for the Office of Finance to administer the bond management and debt collection systems; and,
- develop state-of-the-art imaging systems for the tracking and monitoring of breached bonds.

Overtime

QUESTION: Is it true that the budget request for the Customs Service assumes enactment of legislation repealing 1911 Act overtime for their inspectors?

ANSWER: It is our understanding that the United States Customs Service (USCS) budget request for 1994 assumes the enactment of legislation repealing 1911 Act overtime.

QUESTION: Is similar legislation being considered by the Justice Department to eliminate the almost identical overtime provided to IMS inspectors under the 1931 Act?

ANSWER: INS desires to work cooperatively with the USCS, the Department of Justice, and the Office of Management and Budget (OMB) to develop a workable approach to the replacement of the 1931 Act.

INS is examining all aspects of the issues related to 1931 Act overtime and the available options that would be taken into consideration in the development of a replacement for the Act. INS is also considering the possibility of requesting the formation of a task force, which would be chaired by the OMB and would include INS and the USCS. The purpose of this group would be to ensure the development of a cost-effective, jointly acceptable overtime proposal.

On a parallel track, INS is developing a legislative initiative that comprehensively revises and updates all of the provisions of the 1931 Act. This proposal has not yet been forwarded to the Department of Justice for consideration.

QUESTION: Would the Department support such legislation if it was introduced?

ANSWER: The Department of Justice would support a proposal to repeal 1931 Act overtime as long as such action were a part of a comprehensive effort to reduce such costs while at the same time maintaining parity with the USCS and providing adequate and fair compensation to inspectors required to work overtime.

QUESTION: Last year, the Committee expressed its concern over payment of Administratively Uncontrollable Overtime (AUO) to FBI and DEA personnel assigned to headquarters positions. During discussion on this issue, the IMS was commended for its decision several years earlier to eliminate such AUO payments to its headquarters personnel. Is it true that you have reversed that decision and reinstituted headquarters AUO?

What was the basis for this decision?

ANSWER: The earlier decision not to pay AUO to certain staff positions assigned to Headquarters and regional office employees was extensively reviewed. Based on this review, changes in the AUO payment policy were made in October 1992. The rationale for the changes, which are closely related to the INS reorganization, is presented below.

The INS discontinued the payment of AUO to its Headquarters and regional office employees in response to the Office of Management and Budget (OMB) passback for 1990, which stated that no funds were to be used to pay for AUO worked by administrative employees at Headquarters.

Subsequently, the INS was under a mandate from the Department of Justice (DOJ) to streamline its operations in order to better accomplish its mission of enforcing the Immigration and Nationality Act. Towards that end, INS effected a reorganization which removed some of the layers of supervision between the Headquarters program managers and field supervisors. This tighter control and heightened involvement in field operations led to more frequent demands for extended workdays and otherwise irregular hours for the Headquarters operating program managers. It was determined that the most appropriate way of addressing these additional hours of overtime was through the use of AUO.

Concurrently, and working towards the same goal of better accomplishing its mission, INS reviewed its overtime policies in general, targeting AUO for a more in depth review. It was decided that incumbents in occupations which are entitled to coverage under the law enforcement retirement provisions of 5 U.S.C. 8336 (c) and comparable statutes, are the ones who usually are directly or in a supervisory role required to work in situations that are administratively uncontrollable. With the involvement of managers at all levels, the procedures for determining eligibility for AUO and for certifying that the AUO duties were being performed were reviewed. Final guidance was issued in October 1992.

Managers were reminded that it was their fiscal responsibility to strictly monitor the use of all overtime within their organizations, including AUO. The guidance included additional controls and oversight mechanisms to insure proper application of AUO regulations. The Headquarters and regional managers who currently earn AUO are in positions performing law enforcement duties.

QUESTION: How much will this cost on an annual basis, where did you find the funds, and why, since no funds were requested for this purpose, did you not submit a reprogramming to the Committee?

ANSWER: The cost for the payment of AUO to INS Headquarters and regional office personnel, on an annual basis, is approximately \$1,400,000. The payment of AUO to Headquarters and regional office agents has been INS' policy except for a 34-month period during which it was temporarily suspended. During that time INS paid these employees 1945 Act overtime. Therefore, the resources for the payment of this overtime were part of the budget base for personal services and benefits, and it was not necessary to look elsewhere in the budget base or request additional funding for this purpose. In addition, prior to returning to the former AUO policy, the INS' Office of Management briefed the staff of the Appropriations Subcommittee. After further discussion with DOJ, it was determined that since this constitutes a change in policy, Congress should be notified officially. Thus, INS intends to notify the Appropriations Subcommittees of this change in policy when it submits a reprogramming for other purposes later this year.

WEDNESDAY, MAY 5, 1993.

COMMUNITY RELATIONS SERVICE

WITNESSES

JEFFREY L. WEISS, ACTING DIRECTOR

MAURICE C. CLIFFORD, III, ASSOCIATE DIRECTOR, OFFICE OF PLANNING, BUDGET AND EVALUATION

KENNETH E. LEUTBECKER, ASSOCIATE DIRECTOR, OFFICE OF IMMIGRATION AND REFUGEE AFFAIRS

GAIL B. PADGETT, ASSOCIATE DIRECTOR, OFFICE OF TECHNICAL ASSISTANCE AND SUPPORT

EDWARD A. MOYER, CHIEF, BUDGET SECTION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Mollohan. Good morning. We will now hear testimony from the Community Relations Service, which requests \$34,545,000 for fiscal year 1994. We will insert in the record at this point the CRS fiscal year 1994 budget justification.

[The justification follows:]

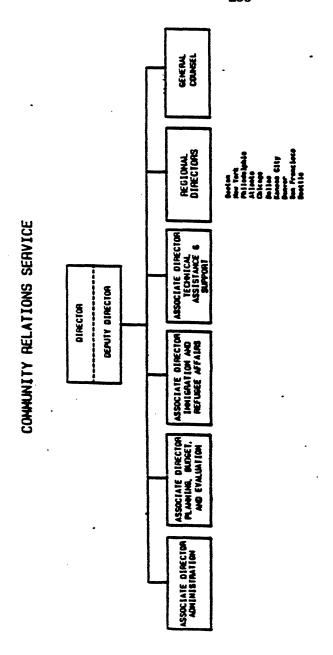
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Department of Justice Community Relations Service Estimates for Fiscal Year 1994

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Separtment of Justice

Salaries and expenses, Community Relations Service

Summary Statement

Piscal Year 1994

For 1994, the Community Relations Service (CRS) is requesting a total of 119 permanent positions, 112 workyears and \$14,545,000 for the two major budget activities that comprise CRS: Conflict Resolution; and Reception, Processing and Care of Cubans and Haitians. This request represents a net increase of \$6,481,000 over baseline funding for 1994, including a program increase of \$6,610,000 for the processing and resettlement of Cuban and Haitian entrants, a reduction of \$41,000 to meet the President's goal for government-wide administrative savings, and a reduction of 2 positions, 2 workyears and \$108,000 to reflect the government-wide initiative to reduce Federal employment levels. These program decreases have been distributed as follows: one position, one workyear, and \$84,000 for Conflict Resolution; and one position, one workyear, and \$65,000 for the Reception, Processing and Care of Cubans and Haitians.

CONTLICT RESOLUTION

In accordance with Title X of the Civil Rights Act of 1964 (42 USC 2000g), this activity provides for assistance to communities and persons in the prevention and resolution of disputes, disagreements, and difficulties relating to discriminatory practices based on race, color, or national origin. It operates by enlating the cooperation of local scitzens in the development of local solutions to the conflicts in which they become embroiled. The techniques employed to prevent conflicts, as well as to resolve conflicts, include concilation, mediation, training and technical assistance. Ultimately, however, the success of this activity depends upon the voluntary compliance of the parties with the agreements achieved with CRS assistance. By promoting the voluntary resolution of such conflicts, CRS is often able to avoid more costly federal intervention, potentially extending to law enforcement investigations, judicial proceedings, and incarceration.

Maintaining the Nation's radial and ethnic tranquility requires constant vigilance as the realities of greater cultural diversity, and other socio-economic sources of friction, test the capacity of the society at large, and law enforcement in particular, to adopt to changing radial and ethnic demographics. In 1992, CRS resolved 682 radial and ethnic community conflictes fostering the peaceful reduction of tensions in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. However, during the same twelve months period the number of pending cases grew from 662 at the beginning of the period to 846 at the end--an increase of nearly 30 per cent.

CRS specializes in bringing together people of good will to prevent problems and to resolve conflicts that tear at the fabric of communities and threaten the peaceful relations of our diverse society. During 1992, CRS also provide substantial support to law enforcement agencies and communities interested in investing in the welfare of their community fincular community oriented policing. CRS' management has emphasized the development of the agency's capacity to provide instructional materials, training, and consultation services on community oriented policing. Including extensive support for the Department of Justice's Weed and Seed initiative, which also strongly encouraged the community policing philosophy. Another important area of focus in 1992 has been assistance to schools and colleges struggling with racial conflicts that severely impact the safe and secure environment required for productive learning experiences. Additionally, during the year CRS was required to respond with significant and extended staff deployments to major crisis situations in Los Angeles (the aftermath of the Rodney King matter), in Miami (Hurricane Andrew), and in Guantanamo, Cuba (the Haitian migration).

The 1994 funding level for Conflict Resolution may cause CRS to reduce its conflict prevention and resolution activities and limit its involvement in high priority areas of interest. These activities include:

Community Policing/"Cops on the Beat"

CRS has been involved for years in community oriented policing and counts among its contacts nationally recognized leaders in this area. Because CRS is not generally regarded by community leadership as a law enforcement entity, its unique mandate to serve as an impartial third party in resolving community-wide conflict arising out of discriminatory practices based on race, color or national origin, represents an extremely valuable asset to the cRS-mediated throughout the Justice society at large, meriting greater attention and more effective utilization. CRS-mediated resolutions also serve as models for other communities or individuals who find themselves involved in racial and ethnic conflict.

Los Angeles

CRS has had an expanded deployment of staff in Los Angeles for hearly a year. The agency's efforts to support the rebuilding of community relationships in Los Angeles have included extensive interactions with the new Chief of Police on community outreach efforts, Los Angeles Police Department (LAPD) training activities and contingency planning around the Rodney King and "Denny Four" trials. CRS has also been working to identify and address community concerns and conflicts with such agencies as the Central American Refugee Center, the Los Angeles unified achool district, the Los Angeles county mental health, the Regional Director of the NAACP, Southern Unified achool district, Chinatown Youth Council, Korean Young Adult Team, and Commerciantes (Central American businessmen's association). In addition, CRS has been coordinating its activities with other Federal government agencies such as the Federal Emergency Management Agency, and many others to identify and address the community concerns and conflicts that continue to fester in Los Angeles. Further activities in Los Angeles will have to be carefully assessed in terms of the resource intensive nature.

Community Investment/Weed and Seed

the country that enable it to offer assistance and facilitate agreements in disputes involving law enforcement programs such as Weed and Seed. The value of such unique services to bepartmental initiatives became abundantly clear in 1992, during early implementation of the Weed and Seed program. CRS' Regional Directors served on most of the U.S. Attorneys' Steering Committees, on many of the Law Enforcement Coordinating Committees, and on virtually all of the Neighborhood Revitalization Committees. As a component of the Department of Justice, CRS has contacts and credibility with law enforcement agencies around

CRS, because of its extensive interactions with local community groups, effective working relationships with police, and ability to mediate working agreements between participating agencies, has a major role to play in implementing programs reflecting the Department's investment in our Nations communities. In helping to smooth start-up activities, CRS became involved in mediating agreements between INS and Hispanic communities on enforcement sweeps between local government and communities on the selection of project sites, between law enforcement and communities on the implementation of Weed component activities, and between service agencies on planning Seed component activities.

RECEPTION, PROCESSING, AND CARE OF CUBANS AND HAITIANS

(INS). CRS also provides outplacement, resettlement assistance, and medical and mental health care to Mariel Cuban ex-offenders paroled from the Immigration and Naturalization Service (INS) and Bureau of Prisons (BOP) institutions or from an inpatient mental hospital. In addition, CRS provides inpatient mental health care to seriously mentally ill and mentally retarded Mariel Cubans in INS custody. With respect to Cuban and Haitian nationals in Federal custody at INS' Krome Special conflict, to ensure public safety, and to minimize the expenditure of public resources. CRS provides resettlement assistance to Cuban and Haitian nationals paroled for humanitarian reasons by the Immigration and Naturalization Service providing for the orderly placement and resettlement of Cuban and Haitian entrants, CRS seeks to preclude community Processing Center, CRS provides medical and mental health care. For most of 1992 this activity was focused on providing primary resettlement assistance to nearly 11,000 Haitian nationals who were screened-in to the U.S. at the Guantanamo Naval Station for further review of their asylum claims. The implementation of Executive Order 12807 on May 24, 1992, stemmed the extraordinary tide of Haitians leaving Haiti. At the same time as these events were taking place, CRS continued to furnish resettlement assistance to nearly 2,600 cubans and Haitians who were not subjected to processing at Guantanamo. The Guantanamo processing was funded through a reimbursement agreement with the Immigration and Naturalization Service, and no funds are included in this budget for a similar extraordinary influx of Cuban or Haitian migrants. As political conditions in both Cuba and Haiti continue to deteriorate, CRS expects the level of flight from these countries to continue. Although the imminent potential for a mass exodus from Haiti has received more attention in the media, CRS' estimates for 1994 reflect the dramatic increase in the number of

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Cubans arriving in Florida that has risen sharply in the past two years (see graph on page 26). Thus, included in this budget request is a program increase for \$2,930,000 that will allow CRS to provide primary and secondary resettlement services to a total of 4,100 entrants in 1994.

In addition to resettlement assistance furnished to new arrivals, CRS provides for the medical, psychiatric and substance abuse treatment of detained Mariel Cubans and outplacement services for Mariel Cubans who are released from detention. The requirement for the care of detained Mariels has been increasing in recent years as the result of several factors: 1) the increased cost of medical services generally; 2) a proportional increase in the need for physical care demanded by an aging population of detained Mariel. Cubans; and 3) the increasing prevalence of severe substance abusers among the population in need of costly substance-abuse-treatment. In 1993, CRS was able to maintain bed space at an inpatient facility for up to 95 patients through the application of carry-over funds. In 1994, no carry-over funds are anticipated. Therefore, the Administration is proposing a program increase for Mariel Cuban inpatient care of \$3,700,000 which will allow CRS to continue to maintain 89 of its 95 inpatient treatment beds.

A decrease of one position, one workyear, and \$65,000 is proposed to meet targeted workyear and resource levels of the Administration.

Community Relations Service

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

New language is The 1994 budget estimates include proposed changes in appropriation language listed and explained below. underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service contracted hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses" if Provided further, That if such reimbursements described above exceed \$500,000, they shall only be made after hotification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act]. For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [\$26,106,000] <u>of which not to</u> exceed [\$18,196,000] <u>aball remain available until expended to make payments</u> in advance for grants, contracts and relabursable agreements and other expenses necessary under Section 501(c) of the Refuge Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation, and reception and placement in the United States of Cuban and Haitian entraites. Provided, That notwithstanding section 501(c) (2) (B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: Provided further, That to expedite the outplacement of eligible Mariel Cubans or other aliens from Bureau of Prisons

In addition to amounts otherwise available under this heading, \$6,630,000 shall remain available until expended to make payments in advance for grants, contracts, and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat, 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants:

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Provided. That notwithstanding section 501(e) (2) (B) of the Refugee Assistance Act of 1980 (Public Law 96-422: 94 Stat. 1810). funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501 (c) of such Act. (Reorganization Plan No. 1 of 1966: Department of Justice and Related Agencies Appropriations Act. 1993: additional authorizing legislation to be proposed.)

Explanation of changes: Deletion reflects the Administration policy regarding such notifications. The new paragraph identifies the investment portion of the request.

Legal Activities Salaries and expenses. Community Relations Service Crosswalk of 1991 Changes (Dollars in thousands)

Congressional Adjustments Appropriation in Perm. 1993 President's Actions on Pos. 4 Budget Request 1993 Request Hyrkygars Reprogrammings Anticipated Pos HY Amt Pos HY Amt Pos HY Ant Pos HY Ant	ion: istance 7 7 \$6012 \$38 7 7 \$563 tions 66 68 7,0602 -189 66 66 6,871	1ve Services. 11 12 2,026 11 11 -60 -1 -1 11 11 11 18 18 1,266	essing and Care Haitians <u>20 30 26,8837 -10,177 30 23 16,106</u>	
1993 Pr Budget Activity/Program	1. Conflict Resolution: a. Technical Assistance 7 7 \$601 b. Program Operations 66 68 7,060	c. Management and Administrative Services 11 11 Subtotal 92 9	2. Reception, Processing and Care of Cubans and Haitians 20 30	Total 122 124

Congregational Actions. The Congress reduced the Community Relations Service by 7 percent below the 1993 current services level. This amount is \$10,464,000 less than the request and is \$1,237,000 less than the 1992 Appropriation enacted. The Congress also retained language which allows the Federal Prison System and the Immigration and Naturalization Service to transfer funds to the CRS to expedite the outplacement of eligible Mariel Cuban prisoners to CRS facilities and extended the provision to include other aliens as well.

<u>Adjustment in Permanant Positions and Morkyears</u>. A reduction of one permanent position and one workyear is included to reflect CRS' portion of the 1993 employment savings proposed by the Administration.

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Legal Activities
Salaries and expenses. Community Relations Service
Crosswalk of 1993 Changes
(Dollars in thousands)

1993 Appropriation Anticipated	\$563 6,871	1,966 9,400	106	, 106
1993 Appropriat Anticipa	99	18 18 1,966 91 91 9,400	30 23 16,106	114 26,106
124	7 7 66 66	18	30	121
Reprogrammings	::	i :	***	:
aprogr WY	::	1:	1	:
Re Pos	::	1:	1	:
Adjustments in Perm. Pos. & Workyears Pos WY Po	::	1-1-	1	7
Adjustr in Perr Pos. & Workyear Pos h	::	77	1	7
ional ation on luest	\$38 -189	-60	-10,172	-10,464
Congressional Appropriation Actions on 1991 Request		-2	-1	6-
App Act Act 19	::	:	1	:
1993 President's Budget Request OS WY Amt	\$601	2,026	26,883	36,570
Pres	7	19	30	122 124
1993 Pre Budget R Pos WX	7 66	19 19 94	30	122
Activity/Program	 Conflict Resolution: Technical Assistance Program Operations 	c. Management and Administrative Services. Subtotal	2. Reception, Processing and Care of Cubans and Haitians 30 30	Total

Congressional Actions. The Congress reduced the Community Relations Service by 7 percent below the 1993 current services level. This amount is \$10,464,000 less than the request and is \$1,237,000 less than the 1992 Appropriation enacted. The Congress also retained language which allows the Federal Prison System and the Immigration and Naturalization Service to transfer funds to the CRS to expedite the outplacement of eligible Mariel Cuban prisoners to CRS facilities and extended the provision to include other aliens as well.

Adjustment in <u>Permanent Positions and Morkyears</u>. A reduction of one permanent position and one workyear is included to reflect CRS' portion of the 1993 employment savings proposed by the Clinton Administration.

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Legal Activities Salaries and expenses. Community Relations Service

Adjustments to base:	•	ialarie	e pue	skoenses, Community Ress Summary of Requirements (Dollars in thousands)	of Regularity	XDenses, Community Ke Ummary of Requirement (Dollars in thousands)	Balakies and expenses, Community Relations Service Summary of Requirements (Dollars in thousands)	Service	-	Perm. Ross.	Work	Amount
1993 as enacted. 1993 permanent position and workyear reduction. 1993 appropriation anticipated. Transfer from Working Capital Fund. Nandatory increases. Decareses. Savings to achieve deficit reduction targets.	on and workyear reduction. Capital Fund.	ion tax	luction				l Fund.			373 :: 1 3 1 3	115 2 2 115	26,106 26,106 2,106 2,106 28,205 28,064
	1993 A	1993 Appropriation Anticipated	ation	199	1994 Baseline	Line	199	1994 Estimate	ate	Incre	Increase/Decrease	Cease
Estimates by budget activity	Perm.	¥	Amount	Perm. Pos.	HX	Amount	Perm. Pos.	HX	Anount	Perm.	¥	Amount
1. Conflict Resolution	91	91	\$9,400	91	16	\$9,912	06	90	\$9,828	7	7	-\$84
2. Reception, Processing and Care of Cubans and Haitians	30	23	16,706	121	23	18,152 28,064	29	22 112	24,717	-1	-2-	6,565
Balances available start-of-year	121	121	31,585	121	114	28,064	1119	112	34,545	-2	-5	6,481
MOV Employment: Full-time permanent	Approp. 121 123	Reimb	Total 121 123	Approp. 114	Reimb.	Total 114	Reimb. Total Approp. Reimb. Total Approp. Reimb. 121 114 112 114 112 113 114 112 114 112 114 115 114 115 114 115 114 115 114 115 114 115 114 115 114 115 114 115 115	Reimb.	Total 112	Approp	Approp. Reimb.	Total

Legal Activities
Salaries and expenses, Community Relations Service
Summary of Resources by Program
(Dollars in thousands)

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ncrea	100	:-			-1	-2	- 1
mate I	mount E	\$596 7,203	2,029	90 90 9,828	4,717	121 114 28,064 119 112 34,545 -2 -2	
Est	MX A	7 65	18	90	22 2	12 3	114
1994	Pos.	7 7 65 65	18	90	29	119 1	· 14
eline	Amount	7 7 \$598 66 66 7,279	18 18 2,035 18 18 2,029	91 9,912	18, 152	28,064	
Bas	MX	99	18	91	23	114	116
1994	Pos.	99	18	91	30	121	
1993 Appropriation Anticipated	Amount	\$563 6,871	1,966	91 91 9,400	0 30 18,198 30 30 19,461 30 23 16,706 30 23 18,152 29 22 24,717 -1 -1 6,565	126 27,343 123 125 28,604 121 114 26,106	
pria	HX	99	18	91	23	114	2
1993 Appro	Pos.	7	18	91	30	121	•
tual	Perm. Perm. Perm. Perm. Pos. HX Amount Pos. HX Amount	7 7 \$548 7 7 \$563 67 69 6,706 66 66 6,871	19 19 1.889 18 18 1.966	9,143	19,461	28,604	
2 Ac	MX	7	13	93 95	30	125	2
199	Pos.	67	13	93	30	123	•
Snacted	Amount	\$548	19 1,889	9,145	18,198	27,343	
as	H	70	13	96	30	126	2
1992	Post	67	13	93	30	123	
	Estimates by Program	Conflict Resolution: Technical Assistance Program Operations Management and	Administrative Services12	Subtotal	Reception, Processing and Care of Cubans and Haitians	Total123	Other Workyears Holiday Overtine Total

Legal Activities Salaries and expenses, Community Relations Service Base Comparison (Dollars in thousands)

		1993	993 Appropriat	1993 Appropriation	·	9 700	9	900+	9	9	1	707	6
Ø	Activity/Program	Pos		Amt	808	POB HX	Amt	Pos JYX		Amt	Pos	Pos HX Amt	Amt
-	1. Conflict Resolution: a. Technical Assistance	7	7	\$563	۲	7	\$598	,	~	\$598	:	:	:
	b. Program Operations	99	99	6,871	99	68	7,352	99	99	7,279	:	7	-\$73
	c. Management and Administrative Services	97	18	1,966	18 18	18	2,035	87	18	2,035	1	111	-
	Subtotal	91	91	9,400	91	93	6,985	91	16	9,912	:	:	-73
N	2. Reception, Processing and Care of Cubans and Haitlans 30 23 16,706 30 23 18,217	30	23	16,706	30	23	18,217	30	23	23 18,152	- Likeberre	1	-65
	Total 121 114	121	114	26,106 121 116 28,202	121	116	28,202	121	114	114 28,064	:	-2	-138
				Narrative Description	e Desc	ripti	a						

1. Conflict Resolution - The 1994 base included the annualization of additional positions authorized in 1992. The annualization was denied in 1993 by virtue of congressional action on the President's budget request, leading to the inclusion of this adjustment to the base in 1994. The decrease in the 1994 base by 2 workyears and \$73,000 to produce savings necessary to conform with the President's deficit reduction target may cause CRS to reduce its conflict prevention and resolution activities and limit its involvement in high priority areas of interest such as community policing, rebuilding relationships in Los Angeles, and support for the Weed and Seed program.

2. Reception, Processing and Care of Cubans and Haitians ~ The decrease in the 1994 base of \$65,000 to achieve the remainder of the President's deficit reduction target will require some restructuring in the administrative oversight of this program. The Baseline resources will reduce the capacity of CRS to acquire commercial accounting services to conduct grantee audits.

Increase/Decrease Pos. WY Amount		+5244		-78		-120	+240	1 0	008'5-		+45	-3,756	-3,714	into the American Ing this of the OKR orcement ort CRS'	pped the funding level of nts will
AMA MAX		:	:	: :		:	:	1	:		:	•	:	red ment nishe enf	stri f the The Jeme
Incr. Pos.		•				:	:	1 1	:		:	•	:	s permit for Cent By aug ling fur and law unds to	S far out excess of years. in resett
Pos. HY Amount		\$2,225				:	275	1 0	7,500		275	2,225	2,500	Haitian ervices Cubans. The func refugee	S. by IN: ices in ceeding nd Haltia to activ
4 Rea				: :		:	:	ł	:		:	:	:	ent of ment s ariel ies. Asian	serving such such such such such such such such
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1993 Estimate Pos. MY Amount		\$5,981		78		120	35	1 0	6,214		233	5,981	6,214	obtain r obtain r re in 199 ns in 148 ns for Son ated issu	d the rest pected to ing in 1995 reimburs
EST		•	: :	: :		:	:	1	:		:	:	: :	support th ca th ca Cuba Kshop r rel	re pe o fund fund e ORR
1993 Pos.		;	: :	: :	•	:	:	\$ 2 1	:		:	:	: :	tal heal I Mariel Ated works	tians we agreed to 2 are no 1 the INS
Pos. MY Amount		19,196	3,700		•	230	108	1 6	23,234		338	22,896	23,234	saylum clent men ntally il and rel ctivity es riot	which Hai ordingly ts of 199 1992 and
22 AC		:	: :	: :		:	:	ŧ	:		:	:	: :	furn: their inpat ng mel srence ang a	te at IS acc event ant in
Post		:		: :	•	:	:	!!!	:		:	:	:	992, INS tion of litional laintaini nal confe youth g	The rat CRS. IN ordinary imburseme
	Collections by Sources:	Immigration and Naturalization Service	Bureau of Prisons	Civil Rights Division	Federal Emergency Management	Agency.	(Department of Health and Human Services)		Budgetary Resources	Obligations by Activity:	Conflict Regolution	Reception, Processing and care of Cuban and Haitians	Total	Goods and Services Provided: In 1992, INS furnished funding to support the resettlement of Haitians permitted into the United States pending the adjudication of their asylum cledua, and to obtain resettlement services for Central American aliens. For BOP, CRS acquired additional inpatient mental health care in 1992 for Mariel Cubans. By augmenting this program, BOP saved on the cost of maintaining mentally ill Mariel Cubans in its facilities. The funding furnished by ORR supported CRS conduct of a national conference and related workshops for Southeast Asian retuges and law enforcement representatives, focusing on Asian youth gang activity and other related issues. FEMA provided funds to support CRS involvement in the recoveries from the Los Angeles riot and Hurricane Andrew.	Justification of Increase/Decrease: The rate at which Haitians were permitted to enter the U.S. by INS far outstripped the resettlement resources available to CRS. INS accordingly agreed to fund the resettlement services in excess of the funding level available to CRS. The extraordinary events of 1992 are not expected to recur in succeeding years. The level of performance supported by the BOP reimbursement in 1992 and the INS funding in 1993 for club and Haitian resettlements will be accomplished with appropriated funding in succeeding years. The ORR reimbursement applies to activities occurring only

Community Relations Service Salaties and expenses Justification of Program and Performance Activity Resource Summary (Dollars in Thousands)

	Decrease		Amount	182		-76		9-	-84
	78886		ЖX	:		7		1	7
	Incr	Perm.	POBL	;		-1 -1			7
	1994 Estimato		Amount			7,203		2,029	9,828
	Est		겆	,		65		18	90
	1994	Perm.	Post	,	•	65		18	
	1994 Baseline		Amount			7,279		2,015	9,912
	Bas		Ħ	7		99		8	91
	1994	Perm.	Pos	,		99 99		18	
1993 Appropriation	ted		Amount	\$563	200	6,871		1.966	9,400
propi	dist		Ħ	7		99		7	91
1993 Ap	Ant	Perm.	Pos.	,		99		9.7	16
	Activity: Conflict Resolution			Technical Aggistance	A C C C C C C C C C C C C C C C C C C C	Program Operations	Management and Administrative	Services	Total

This budget activity includes resources to assist communities in the prevention and resolution of disputen, disagreements, and difficulties arising out of discriminatory practices related to race, color, or national origin, as authorized by Title X of the Civil Rights Act of 1964. By bringing disputes to the negotiating table early, CRS may preclude more costly Federal intervention, potentially extending to law enforcement investigations, judicial process and correctional facilities.

ecrease	Amount
]/əse	HX
Increase/Decr	Pos. 1
1994 Estimatem.	Amount
4 Est	MX
199 Perm.	Pos. WX
1924 Baseline	Amount
4 Bas	HX
199 Perm.	Pos
93 Appropriation Anticipated	Amount
Appropria Inticipate	Ä
An An Perm.	Pos

-\$2

969\$

2

\$598

7

\$563

2

Technical Assistance......

LONG-RANGE GOAL: To provide technical support to Program Operations staff as they provide conflict resolution services directly to communities and state and local agencies throughout the country.

MAJOR OBJECTIVES:

To provide comprehensive review of CRS casework and reporting for technical assistance support needs, according to CRS' standard operating procedures.

To maintain and operate CRS' crisis command function and to maintain liaison with the Department's Crisis Management Center. To expand CRS' information regarding the number of racial or ethnic disputes involving harassment or hate violence.

To support the development of training modules available for regional staff development.

To provide technical support for implementing the Agency's national initiatives and special emphasis programs, interagency and intra-departmental partnerships.

BASE PROGRAM DESCRIPTION:

There has been no change in this program since the 1993 Congressional submission.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Technical Assistance program are presented in the following table:

			Esti	Estimates
Item	1991	1992	1993	1994
Monitoring for Technical Assistance trends and needs:				
Weekly case reports reviewed for technical				
assistance needs and consultation	1,850	2,020	2,500	2,500
Program management on-site reviews	:	:	c	S
Alerts:				
Alerts logged and referred to regions				
from the 1-800 Hotline	1,223	1,700	1,400	1,400
Alerts logged and referred to regions by				
the Alerts Desk Officer			150	200
Total Alerts	1,223	,223 1,700	1,550	1,600
Staff Development:				
Courses developed and implemented	e	7	9	9

Item	1991	1992	Estimate 1993 19	imate 1994
Technical Assistance:	ć	ć	•	•
Casework technique models coordinated Technical material catalogued	× :	47	1,200'	200
Technical materials retrieved and circulated	:	:	125	400
Outreach Implementation: Inter-agency projects managed	80	10	æ	∞
Outreach activities undertaken	31	12	15	15
Case Management Reports: Monthly reports on significant activities	12	12	12	12
Status reports on case activity	25	52	75	75

Explanation:

The workload indicators for this decision unit have been reorganized since submission of the 1993 budget in order to group similar activities together. Workload categories of Case Consultations and Items of Technical Information Provided, have been subsumed by the workload categories Monthly Reports on Significant Activities and Status Reports on Case Activity. During 1993, CRS is implementing a new Regional Operations Standard Operating Procedure to guide the conduct of conflict resolution service delivery, and a new automated reporting system to improve management decision-making and resource application. To facilitate consistent implementation of the guidance, the Office of Technical Assistance and Support (OTAS) will participate in on-site reviews of case conduct and reporting as part of CRS' evaluation process. Consistency of operation and information is critical to future evaluation and management efforts.

The identification of incidents of harassment or hate violence relating to race, color or national origin was formerly done solely by Regional staff as part of initiating conciliation, the "alert" phase. A headquarters alerts desk has been established to augment the Agency's capacity to identify such incidents through the 1-800 Hate Hotline and through other

In 1993, CRS intends to assemble a database for all regional and headquarters technical assistance Start-up figure. libraries. secondary sources of information. The increase in the 1993 workload figures reflects the addition of this source of alerts to be disseminated to regional staff. OTAS supports the development of asserverk techniques models for conciliation specialists and will function as the agency librarian for retrieval and circulation of these and other technical volumes and documents requested by all agency employees CRS undertakes and coordinates interagency projects each year in cooperation with the public and private sector organizations, e.g.,the Federal Bureau of Investigation (FBI), the Defense Equal Opportunity Management Institute (DEOMI), and the Hispanic American Police Command Officers Association (HAPCOA). Some of the projects are assigned to this unit for implementation.

OGRAM CHANGES:	1994 Baseline Perm. Pos. WY Amount	Base WX	Amount	1994 Estimate Perm. Pos. MX Amount	EST. WY	Amount	Incre Perm. Pos.	ase/p	Increase/Decrease Perm. Pos. WX Amount	
Technical Assistance	7	7	865\$	7	7	965\$:	:	\$2	

A program decrease of \$2,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. The reduction will not prevent CRS from accomplishing its major objectives in this program. Among the savings being considered by agency management are reduced publication subscriptions.

Increase/Decrease Perm.	Pos. WY Amount	-1 -1 -\$76
1994 Estimate erm.	Pos. WY Amount	65 65 \$7,203
94 Est	MX	65
Perm.	Pos.	65
1994 Baseline	Pos. WY Amount	66 66 \$7,279
14 Bas	MX	99
199 Perm.	Pos	99
1993 Appropriation Anticipated Perm.	Pos. WY Amount	66 66 \$6,871
ppropries	Ä	99
AD AD Perm.	Pos	99
		Program Operations

LONG-RANGE GOAL: To assist communities in the prevention and resolution of disputes, disagreements, and difficulties arising out of discriminatory practices related to race, color, or national origin.

MAJOR OBJECTIVES:

To provide conflict resolution services through conciliation, mediation, technical assistance and training.

To help local communities and state agencies establish and improve their own mechanisms for anticipating, preventing, and resolving racial tension or disputes. 17

To provide liaison services to help ensure the safety and stability of communities in which the Office of Immigration and Refugee Affairs maintains operations.

BASE PROGRAM DESCRIPTION:

CRS assists parties to prevent and resolve disputes based on race, color, or national origin through conciliation, mediation, training and technical assistance. Through conflict resolution, CRS helps parties, many of whom are law enforcement agencies, to identify the major issues in conflict, to identify points of agreement within those issues, and to define the actions necessary for resolution of the conflict. Through its prevention and outreach efforts, CRS seeks to reduce the prospects for violence and community discord through dialogues, problem-solving workshops, and structured training interventions. In this context, training and technical assistance are provided which encompass areas such as community-oriented policing, avoiding excessive use of force, police/community relations, and cultural diversity. In liaison with CRS' Office of Immigration and Refugee Affairs, Regional staff conduct assessments of community receptivity to, and concern about, influxes of Cuban and Haitian entrants.

There has been no change in this program since the 1993 Congressional budget submission other than the expansion of activities with the Federal Emergency Management Administration (FEMA) in response to such crises as the Los Angeles riot and Hurricane Andrew in 1992. The magnitude of these activities has exacerbated the difficulty the agency continues to experience in devoting adequate resources to meet the need for conflict prevention and resolution services.

Accomplishments and Workload: Accomplishments and workload of the Program, Operations program are presented in the following

1993 1994	481 740	
1992		1,881 1,
1661	340	3, 188
Item	1. Alerts: Pending, start-of-year	ProcessedPending, end-of-year

				Estimates	lates
H	Item	1991	1992	1993	1994
2.	Assessments: Pending, start-of-year	320	287	369	403
	Received	1,663	1,627	1,138	1,016
	Processed	1,696	1,545	1,104	916
	Pending, end-of-year	287	369	403	503
a.	Conciliation Cases: Pending, start-of-year	636	623	767	642
	Received	914	845	588	499
	Processed	927	701	713	544
	Pending, end-of-year	623	167	642	297
4	Outreach Activities: Pending, start-of-year	:	•	15	87
	Received	:	33	134	128
	Processed	:	18	62	59
	Pending, end-of-year	:	15	87	156
	Weed and Seed programs supported	:	19	19	18

Explanation:

The redundancies in the workload indicators for this decision unit have been eliminated. Regional workload in 1991 reflect conciliation activities arising out of alerts received through CRS' network of ten Regional Offices and three Field Offices, and from the Headquarters Alerts Desk. The decrease in the number of alerts received and processed between 1991 and 1993 is due to the disaggregation of 1,700 Not-Line alerts from the Program Operations workload indicators for 1992. Hot-Line alerts are now being handled by an Alerts Desk Offices, a position staffed within the Technical Assistance decision unit. Accordingly, Hot-Line alerts are reflected in the Technical Assistance workload section and are counted as Program Operations alerts at the point that they are referred to Regional Offices and become part of the Regional caseload. The workload indicators also have been revised to reflect new standard operating procedures governing the conduct of conflict prevention and resolution casework, as well as investment-related activities such as Weed and Seed. Resolution casework includes disputes addressed through conciliation, mediation, training, and technical assistance. Prevention and

outreach activities, such as conferences and dialogues, address the causes of racial conflict and tension outside the context of a specific incident, promote the development of conflict resolution skills within the community, and inform communities about CRS assistance.

It was anticipated that those matters that proved to be non-jurisdictional would be dropped at the assessment stage. This approach tended both to "inflate" the number of alerts and to further overwhelm the field staff with cases that could not be pursued to closure due to a lack of available conciliators. The pilot was abandoned in favor of a process that places greater emphasis on the Regional Director's discretion to alert only the most critical, clearly jurisdictional matters where there is a real prospect that CRS resources can address the situation. The decline in alerts anticipated in 1994, compared with 1993, is due to the availability of fewer staff and the necessity of raising the threshold for identifying a matter as an alert. In 1992, CRS piloted an effort to alert every potential dispute that might be based on race, color, or national origin.

As a result of the reduction in workyears available in 1993 and the reduction of one workyear in 1994, the number of activities processed decreased in 1993 and 1994 for alerts, assessments, and resolutions; and the backlog (pending, end-of-year) increases each year, for alert, assessment, and outreach activities.

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LONG-RANGE GOAL: To ensure CRS' effective and efficient service delivery through executive leadership, policy guidance, program planning, and monitoring and evaluating performance; and to improve operational efficiency and management controls in the delivery of personnel, procurement, financial management, and other administrative and management support services.

MAJOR OBJECTIVES:

To provide executive level policy guidance and direction to CRS operations, consistent with Federal legislation, regulation. Departmental policy, and other relevant authority.

To conduct and coordinate communication with Congress, Federal agencies, other Departmental components, national private sector organizations, news media, and the public to ensure provision of timaly and accurate information.

To provide legal oversight, review, and analysis service to CRS' components.

To conduct programmatic research, strategic and operational planning, to ensure that programmatic activities are responsive to demand for services.

To formulate, monitor, and manage CRS' budget to ensure efficient use of financial resources.

ot to ensure adequacy To manage CRS' automated data processing (ADP) resources and management information systems information systems To conduct relevant, reliable, and timely evaluation of CRS' programs and analysis of operations to ensure efficient delivery of effective, high-quality services.

To provide timely advisory services to all management levels on technical matters related to management controls, audit resolution, grant award and administration, personnel, and administrative management functions.

To develop and operate an effective management controls program in compliance with the Federal Managers' Financial Integrity Act and the OMB Circular A-123, and to reduce the potential for fraud, waste, and mismanagement of Agency resources.

and To provide timely processing of all requests for personnel actions, procurement, grant awards, financial management, an other administrative support services (i.e., supply requests, telephone requests, space management, travel, security).

BASE PROGRAM DESCRIPTION:

Planning, Budget, and regulation, and the Office of Administration. The Office of the Director: develops, implements, and monitors adherence to, CRS' policy; monitors CRS' compliance with Department of Justice's guidance, and Federal law; defines CRS' program priorities, goals, and objectives; supervises programmatic performance; manages and coordinates external communication; conducts liaison activities with national organizations; and provides legal review and analysis of CRS' operations. The office of Planning Budget, and Evaluation: conducts internal and external research to identify service requirements and policy issues; coordinates development of CRS' outreach program concepts and relevant policy proposals; operates CRS' annual and long-term planning processes; formulates, and monitors the execution of the CRS budget; manages CRS' ADP activities, oversees operation of its management information systems; periodically analyzes CRS' programs and operations; and recommends actions to the Office of Administration provides administrative support, personnel, financial, grants management, and procurement services. The Office of Administration provides direct input of vouchers, personnel requests for goods and services, inventory control, etc. to the Justice Management Division's accounting system. The Office is also responsible for management support functions, including the Service's staff development program, management controls program, and audit resolution and compliance activities. The functions of Management and Administrative Services are carried out by the Office of the Director, the Office

<u>ACCOMPLISHMENTS AND WORKLOAD:</u> Accomplishments of the Management and Administrative Services' program are presented in the following table:

1991 1992 1993 15	quiries 26 35 35	750 750 750 750 750 750 750 750 750 750
Item	Responses to FOIA/Privacy Act inquiries	Studies of legislation bearing on CRS

1993 1994	780 780 8 8 55 55	400 400 520 520 40 40 6 6	2 2 15 15 12 12 40 40	2 2 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
1992	780 8 55	410 ² 521 36 4	. 1 2 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	2 25 10
1991	780 8 55	8 8 8 8 8 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9	. u	::::
Item	General Counsel, continued Judicial, regulatory, and legislative items reviewed for impact on CRS	Congressional and Media Affairs Responses to public information requests Requests for CRS publications ¹ Responses to press & electronic media Responses to Congressional inquiries Development of Publications	Planning and Evaluation Strategic plan reviews and updates	Outreach National outreach activities conducted Outreach support activities for the field Outreach activity models developed Outreach activities evaluated on-site

Estimates

'Increase in public information requests in FY 1992 over FY 1991 is due to full operation of CRS' Hate Hotline. This greatly increased the number of calls for information.

¹CRS' publications workload item has been merged into the Responses to public information workload category.

Atem	1991	1992	1993	Estimates 1994
Budget submissions & testimony developed Funds availability reviews	::	1,500	10	10
Budget reports prepared	12	12 8	12 10	12 10
ADP/Information Management Applications developed	40.	~ · ·	900	9 9 9
Administrative Services Personnel and bayroil actions processed	800	3.590	3.700	4.100
Procurement actions processed.	500	.281	300	200
Financial records created	1,000	2,100 650	2,100	2,100 1,000
Responses to administrative service requests	1,700	1,700	1,700	1,700
Conference planning	10	15	, e	<u> </u>
and policies developed	150 10	150 2	. 4	150 5

Explanation:

Consistent with the Department's merger of the Administration and Executive Direction and Control programs units, workload indicators for these areas are merged above into a set of indicators for Management and Administrative Services. The workload indicators for this reconfigured decision unit have been expanded to reflect strategic planning, the new evaluation program approved in 1992, enhancements sought in budget management, and appropriate ADP management indices. The workload indicator on special media requests has been integrated into public information requests, and two workload indicators under ADP regarding files and maintenance activities have been eliminated because of the anticipated impact of the new case management system and their focus on matters that are labor intensive, but of minimal programmatic import.

National outreach efforts are included under this decision unit. Fewer outreach activities are anticipated in 1993 due to the lack of travel funds provided in the past under a Memorandum of Understanding with HHS' Office of Refugee Resettlement and reduced availability of headquarters staff resources.

Effective in 1992, in conjunction with the transfer of payroll functions to the NFC in New Orleans, JMD transferred responsibility to DOJ components for recording personnel and payroll data directly into the PC-TARE. This includes the processing of all awards, training requests, performance appraisals, performance workplans, promotions, recruitment, details, reassignments and re-descriptions of duties. The Office of Administration presently provides these services through a liaison process with the Justice Management Division (JMD). Other services include the direct input of vouchers, personnel action requests, requests for goods and services, inventory control, etc., to the JMD accountability systems through a centralized administrative office located in headquarters. The office is also responsible for the processing of invoices for the payment of bills for procurement acquisitions, reimbursable agreements, and recurring charges related to rentals, services, and contracts. The Office develops policies and procedures for CRS' Staff Development Program; develops and analyzes Individual Development Plans for all employees; develops training to meet a group of employees' needs; and monitors and processes Requests for Training.

ecrease	Pos. WY Amount	9\$-	
ase/D	ΜX	:	
Incre	Pos.	:	
imate	Pos. WY Amount	18 \$2,029	•
4 Est	MX	18	
199	Pos.	18	
eline	Pos. WY Amount	\$5,035	
Bas	₩X	18	
199	Pos.	18	
	Program Changes:	Management and Administrative Services 18 18 \$2,035	

A program decrease of \$6,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. The reduction will not prevent CRS from accomplishing its major objectives in the management and administrative services program. Among the savings being considered by agency management include eliminating some maintenance contracts.

	Decrease		IX Amount		-1 -1 \$6,565
	Increase/	Perm.	Pos. h		7
	imate	Perm.	Amount		29 22 \$24,717
	Est		겈		22
	1994	Perm	Pos.		59
	eline	Perm.	Amount		30 23 \$18,152
	Bas		X		23
	1994	Perm.	Pos.		30
993 Appropriation	ed		Pos. WY Amount		30 23 \$16,706
\ppr	pat		줔		53
1993	Anticipated	Perm.	Pos.		30
				Reception, Processing and Care of Cubans	and Haitlans
				Activity:	

<u>LONG-RANGE GOAL</u>: To resettle Cuban and Haitian entrants into communities so as to promote public safety, avoid community conflict and minimize the impact on public resources.

MAJOR OBJECTIVES:

To relieve the burden on federal detention facilities caused by the retention in custody of Mariel Cubans who have been approved for release by the Immigration and Naturalization Service (INS).

mental health hospital and to provide community-based mental health treatment programs for Mariel Cubans paroled from INS an inpatient Cubans requiring treatment at to Mariel care services and mental health cost-effective physical provide

To reduce the impact on state and local health and mental health care services by providing resettlement and community aftercare services to Mariel Cuban entrants who have been discharged from Public Health Service community-based treatment programs and who are ready to make the transition to independent living.

provide appropriate resettlement services to Cuban and Haitian nationals, including unaccompanied minors, who are paroled for humanitarian reasons by the INS from its Krome Service Processing Center. 13

provide secondary resettlement services to Cuban and Haitian entrants whose initial resettlements did not lead to their achievement of economic self-sufficiency ဥ

at provide cost-effective health and mental health care services to the Cuban and Haitian nationals in federal custody the Krome Service Processing Center. ဥ

BASE PROGRAM DESCRIPTION

detainees paroled by INS from INS and Bureau of Prisons (BOP) detention facilities and from St. Elizabeths Hospital. In addition, CRS provides resettlement assistance to Cubans and Haitians who are paroled from INS Service Processing Centers for humanitarian reasons, under exclusionary bonds or as unaccompanied minors. CRS also provides medical and mental health care and resettlement service to Cuban and Haitian nationals in Federal detention at the Krome Service Processing Center and at an inpatient mental health hospital. Services are provided to eligible individuals through grants and cooperative agreements with voluntary and private agencies, and through the operation of an interagency agreement with the PHS. Through its activities, CRS provides outplacement, resettlement, medical, and mental health care services to Mariel Cuban

There has been no change in the nature of this program since the 1993 Congressional budget submission.

ed in the following

Accomplishments and Workload: Accomplishments of the Reception, Processing, and Care activity are presented	the Reception,	Processing,	and Care	activity are	presented
Item	1991	1992	Esti 1993	Estimates 13 1994	
CRS RESETTLEMENTS:					
Primary/Secondary Resettlement: Primary Resettlement: - Adults & Accompanied Minors	2,452 223	2,702	3,400	3,700	
Secondary Resettlement	135	308	200	200	
Haitians Resettled from Guantanamo: - Adults & Accompanied Minors	::	10,319	::	::	
Mariel Cuban Transitional Programs: Mariel Cubans Outplaced from INS/BOP Detention Facilities: - Through CRS Halfway House Program	442 68	427 68	120	170 60	
Aftercare for Mariel Cubans Completing PHS Programs	59	33	35	35	
BERVICES ACQUIRED FROM THE U.S. PUBLIC HEALTH SERVICE: Physical and mental health care Psychiatric, substance abuse, and Long-term care residents at St. Elizabeths Hospital	153	215	215	190	
PHS Halfway House Outplacement:	193	185	170	170	

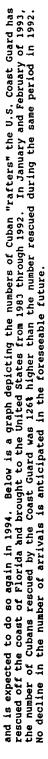
Ltem	1991	1992	1993 199	1994
Short-term Care at Krome Service Processing Center in Miami:				
Clinic visits	12,000	8,040	8,040	5,650
Hospital days (1)	20	20	20	20
Mental Health evaluations: (2)				
PHS/INS Facility (SEH)	800	200	200	200
AFP, FADC, and other facilities (3)	1,324	825	009	009

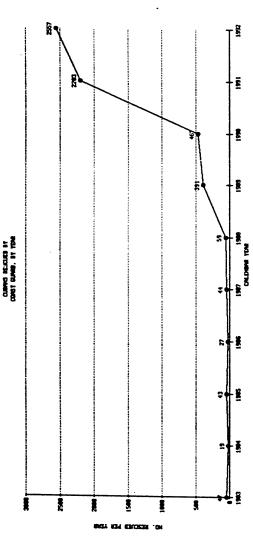
(1) Does not include medical hospitalizations at St. Elizabeths Hospital (SEH). (2) Beginning in 1987, only mental health screening on returned entrants and evaluations required by INS or CRS were completed. SEH's full capacity was utilized and every admission called for mental health evaluation and further work-up as indicated (an average of 4 evaluations per patient beginning in 1990). (3) AFP refers to the Atlanta Federal Penitentiary, and FADC refers to Federal Alien Detention

Explanation

from Guantanamo Naval Base, as an extension of prior year trends. Primary and secondary resettlements for 1993 and 1994 are significantly higher than those presented in previous submissions. This reflects the elevated level of Cuban and Haitian migration to the United States, particularly in South Florida, and the increase in that rate resulting from economic had possible in both Cuba and Haiti. The workload data for 1992, includes the more than 10,000 Haitians CRS has resettled from Guantanamo Bay, Cuba. In order to facilitate analysis of the workload data without regard to the extraordinary events of 1992, the 1992 data for the resettlement of Haitians who entered the U.S. after screening by INS Asylum Officers at Guantanamo, appears as a separate entry. As evidenced by this data, CRS has experienced a dramatic increase in the number of Cuban and Haitian entrants, including unaccompanied children entering South Florida. Primary/Secondary Resettlement: Workloads presented for primary and secondary resettlement of Cubans and Haitians in 1993, and 1994 reflect the current best estimates of CRS, based upon 1992 workload, factoring out the number of Haitians resettled

The number of adults entering the United States on rafts and boats from Cuba has increased at a dramatic rate in recent years. The influx of Cubans, in particular, is straining CRS' capacity to provide primary resettlement services in 1993 entering the United States on





CRS Mariel Cuban Transitional Programs: CRS outplacement programs provide transitional services to that portion of the Mariel Cuban detainee population that has been approved for release but does not require psychiatric or intensive treatment for drug abuse prior to release. For 1993 and 1994, the workload presented for the transition of detained Mariel Cubans to civil society is lower than previous years due to a decrease in the number of CRS halfway house programs.

In 1993, as a result of budget constraints and shifting program priorities within the Department of Justice, CRS reduced its Mariel Cuban Halfway House programs from 5 programs with a capacity to serve 520 Cubans to 2 programs with an annual capacity to accept only 170 clients. During the first five months of 1993, CRS' two remaining halfway houses were still serving clients outplaced from INS detention in the last months of 1992, thus preventing clients from entering the programs

Cubans expected to be approved for release in 1993 and CRS outplacement space restricted to only 160 clients, the backlog in detention is expected to grow to 370 detainees by the end of the year. The backlog will grow again in 1994, as another 480 detainees are expected to be approved for release and the outplacement capacity will not exceed 230 clients. Accordingly, the backlog of detainees awaiting CRS outplacement will reach 620 detainees by the end of 1994. CRS projects that the total number of Mariel Cubans that will be outplaced Mariel from detention into a CRS halfway house in 1993 will be lower than the full year capacity of the two houses. At the start of 1993, there were approximately 50 Mariel Cubans awaiting CRS outplacement. With an additional 480 Therefore, from detention during this period.

PHS Outplacement: In 1994, CRS estimates there will be 156 Mariel Cubans approved for release to PHS programs and a large number of detainees, not approved for release, who will require important psychiatric services. With funding for only 89 beds, PHS will be able to provide services at St. Elizabeths Hospital to only about 190 Mariel Cubans. With 45 to 50 Mariel Cubans in need of long-term inpatient care, the reduction in bed space only directly affects CRS' capacity to provide acute care and substance abuse treatment to patients in need of treatment with a more limited duration. Therefore, the marginal decrease in available beds produces a disproportionately higher decrease in the number of Cubans that will receive necessary medical and psychiatric care.

programs. With another 225 Mariel Cubans expected to be approved for release to PHS halfway house programs in 1993, and only enough funding to enable PHS to outplace 170 in 1993, the backlog of Mariel Cubans approved for release to PHS, will grow to 186 detainees at the end of 1993. In 1994, the number of detainees approved for release to PHS halfway houses will exceed the capacity of the halfway house to accept outplacement by 71 detainees, producing a corresponding increases in the backlog to 241 detaines at the end of 1994. The numbers of detained Mariel Cubans approved for release who remain in detention until space for the appropriate release mechanism is available can only serve to exacerbate the disruptive CRS and PHS estimate that at the start of 1993, there were 131 Mariel Cubans awaiting outplacement to PHS halfway house potential and costly consequences which they represent to correction/detention facilities where they are bound.

the only alternative to the growing backlog of detainees in federal detention, is to release these Mariel Cubans, unsupervised and unmonitored, to the streets. However, almost without exception, PHS has classified the detained Mariel Cuban population as having anti-social personalities requiring highly structured support services and supervision as a prerequisite for integration into the community to still the revolving door in CRS carryover resources, of crime, re-arrest, detention, and release. With the reduction

The Department, BOP, INS and CRS maintain that no Mariel detainee should be released from federal custody without benefit of structured, support services, and on-going supervision. The current population of incarcerated Mariel Cubans, in particular, poses a serious threat to public safety and has already drawn the negative attention of local officials and community leaders. The safe and fair resettlement of this population demands a highly structured and responsible process such as that provided by CRS and PHS that does not fuel community tensions or endanger the public safety.

The workload presented for PHS' medical clinic at the Krome Service Processing Center in Miami and for the performance of mental health evaluations is lower in 1994 than in previous years. In the past, CRS was able to absorb increasing medical costs through the use of carryover funds. However, in 1994, CRS will have depleted its carryover monies. Without budget increases to cover the raising costs of medical care in these program areas, CRS must limit these program activities.

16	1994	Base	1994 Baseline	1994	Est	mate	Increa	Se/Dec	rease	
DORAM CHANGES:	108	HX	POS. WY Amount	Pos.	젊	Pos. MY Amount	Pos.	HX	Pos. WY Amount	
Reception, Processing and Care of Cubans and Haitians 30	30	е е	\$18,152	29	22	29 22 \$24,717	7	7	-1 -1 \$6,565	

CRS is requesting a program increase of \$6,630,000, offset by a decrease of one position, one workyear and \$65,000 to meet workyear and resource levels of the Administration.

Family Sponsorship Program: Outplacement through CRS' family sponsorship program provides transitional assistance to individuals whose needs and criminal histories do not require intensive residential or community supervision. In 1992, INS and CRS found that there has been a higher incidence of Mariel Cubans with histories of substance abuse and extensive criminal backgrounds. As such, the number of approved Mariel Cubans requiring only the minimal support services has decreased. Therefore, in 1993, CRS plans to reduce its family sponsorship program. CRS will use the cost savings from this program reduction towards meeting the increasing demand for its Primary/Secondary resettlement

Expansion of Primary/Secondary Resettlement Programs: At base funding levels in 1994, CRS will be able to provide primary/secondary resettlement services to only 1,458 of these Cuban and Haitian adults and accompanied minors, and to 200 unaccompanied minors. CRS is, therefore, requesting an increase of \$2,930,000 to provide services to an additional 2,442 Cubans and Haitians who are expected to enter the U.S. in 1994. This increase will enable CRS to provide primary and secondary resettlement services to an estimated 4,100 entrants in 1994.

Due to the political, social and economic upheaval in Cuba and Haiti, the number of Cubans and Haitians entering South Florida via rafts and boats has increased dramatically over the last few years. From 1989 to 1991, the number of Cubans and Haitians provided Primary and Secondary services by CRS increased 252%. In 1992, CRS provided primary and secondary resettlement services to 3,173 Cubans and Haitians who arrived directly in South Florida and to 10,737 Haitians resettled from Guantanamo Bay, Cuba.

There is no sign that these increasing demands for CRS assistance are abating; political conditions continue to deteriorate in both Haiti and Cuba; in the wake of Hurricane Andrew, housing and employment opportunities in South

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Florida remain extremely limited; and the concentration of entrants in the area has intensified. As these trends continue, CRS projects that, in 1994, approximately 4,100 Cubans and Haitians will be in need of CRS' primary/secondary resettlement assistance. In the past, CRS has absorbed the increasing costs of the primary/secondary program from its carryover resources. However, by the end of 1993, these resources will be virtually exhausted. The program increase contained in this request is, therefore, needed so that these boat people are not released to the streets without any aud could become public charges or live on the streets of Miami. In addition, a non-coordinated and non-supportive response to this continuing influx may create the perception of Federal non-responsiveness. CRS is requesting an increase of \$2,930,000 to provide services to an additional 2,442 people. With this increase, CRS anticipates serving an estimated 4,100 individuals in 1994.

<u>St. Elizabeths Evaluation and Treatment Facility:</u> CRS is also requesting \$3,700,000 to retain 89 CRS-funded beds at St. Elizabeths Hospital out of the 95 beds that were funded in 1993. Increasing medical costs and absorption of inflationary increases over the past years has significantly reduced CRS capacity to provide services to Mariel Cubans and Haltians. In 1993, CRS will be able to fund only 50 beds at St. Elizabeths Hospital With base funding; an additional 45 beds will be funded through the application of carry-over funds. However, carryover funds will be depleted at the end of 1993, and CRS requires a program increase in 1994 to retain most of the existing bed space.

The program increase contained in this request will enable CRS to retain 89 of the 95 beds that it has been able to acquire in 1993. In 1994, CRS estimates there will be 356 Mariel Cubans approved for release to PHS programs and a large number of detainess, not approved for release, who will require inpatient psychiatric services. With funding for only 89 beds at St. Elizabeths Hospital, PHS will be able to provide services to only 190 Mariel Cubans, compared with clients who are expected to be treated in 1993.

particular, there has developed a chronic need for bed capacity to serve those releasable and non-releasable detainees who urgently require inpatient psychiatric evaluation and treatment. This situation is likely to continue to deteriorate for the foreseeable future since alternative sources of care within the BOP and INS health care programs are at present overwhelmed by the needs of their growing populations and contract community care is prohibitively expensive. If CRS were not able to fund St. Elizabeths Hospital at a bed capacity of 89 beds, the patients who can not receive an appropriate treatment for their conditions will remain in correction/detention facilities where their presence will have serious, disruptive, and costly consequences. Presently, there are long waiting lists for all the treatment services offered by the St. Elizabeths Hospital.

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With the retention of 89 of the previously-funded 95 beds, those detainees in need of inpatient treatment who have release decisions, or could, through treatment, be rendered parole-eligible, will be outplaced into psychiatric halfway-houses for eventual release into the community in a much more expeditious manner. This accelerated process would directly reduce the overall numbers of Mariel Cubans detained-thereby markedly reducing the long-term coets of detention for this population.

An increase of \$3,700,000 will fund the above 34 treatment beds, thus restoring 89 of the previously-funded 95 beds at the St. Elizabeths Facility.

Salaries and expanses Community Relations Service Justification of Multi-Activity Progras Changes (Dollars in thousands)

				Admini	strati	•>						
	Colors	ent. Res	luctions	CORT	Indive		Invest	Bente		Total		
Estimates by Program	Porn. NY AMOUN	¥	Amount	Por.	×	Amount	Pors.	Ħ	Amount	28	AX	Amount
1. Conflict Resolution: Technical Assistance	:	:	:	:	:	(\$3)	:	:	:	:	:	(\$3)
Program Operations	Ξ	Ξ	(\$22)	:	:	(21)	:	:	:	Ξ	Ξ	(16)
Management and Administration	4		444	444	444	(9)	444	444	444	444	4	9
Subtotal.	(1)	(1)	(88)	:	:	(39)	:	:	:	Ξ	€	E
 reception, Processing and Care of Cubens and Maitians 	(1)	13	(83)			(8)			\$6.630	(1)	Œ	6.565
Total	(2)	2	(108)	 :	:	(41)	::	:	\$6,630	(2)	(2)	6,481

Embloyment Reduction - The Community Relations Service (CRS) will accomplish the indicated reduction in positions and workyears through more careful prioritisation of work assignments, the application of automated technology, and retraining of staff.

Administrative Cost Savings - Several measures are currently under consideration to accomplish the administrative cost savings. These measures include the elimination of maintenance contracts in favor of "per call" repairs, reductions in the number of subscriptions to periodical publications, improved cost efficiency in the purchase of office supplies, and stricter standards for the replacement of existing furniture and equipment. None of these measures are expected to affect the accomplishment of CRS' major objectives.

Invallents - A total of \$6,610,000 is requested to invent in the human potential of Cuban and Haitlan entrants. The number of Cuban "rafters" and, to a lesser extent, Haitlan "boatpeople" reaching the shores of the United States has been increasing steadily in recent years. Additional funding in the amount of \$2,910,000 is requested to provide primary and secondary resettlement assistance to the increased number of entrants anticipated in 1994. Through grants to non-governmental agencies, these funds will be invested in assistances that will contribute to the successful transition of Cuban and Haitlan entrants to self-sufficient participation in U.S. society.

The remainder of the investment program, \$1,700,000 will be applied to the operation of an inpatient mental health facility at which Mariel Cuban detainees receive physical and mental health care and substance abuse treatment. This program provides humanitarian care for chronic cases and acute care for individuals who are considered to have the potential for constructive participation in acciety. The population receiving this treatment consists of individuals who cannot adjust their immigration status and cannot be deported; thus, their care is a unique responsibility of the federal government. The investment sought for this program will support the government's commitment to care for those who cannot care for themselves and to facilitate a successful transition to productive lives for those who have the capacity for self-sufficiency.

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Salaries and expenses. Community Relations Service
Financial Analysis - Program Changes
(Dollars in thousands)

		Adm	inistra	tive/Pe	Administrative/Personnel Reductions	educti	ons		Investments	ments		
	Technical Assistance		Program Operation	uo	Reception, Processing and Care o Management and Cubans and Administration Haltians	t and ation	Reception, Processing and Care of Cubans and Haitians	ion, sing re of and ns	Reception, Processing and Care of Cubans and Haitians	ion, sing re of and ns	To	Tota]
Item	Pos.	Amount Pos		Amount Pos.		Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades GS-13	:	:	(1)	(\$48)	:	:	(3)	(\$48)		:	(2)	(\$6\$)
Total positions and annual rate	::	::	€:	(4 8) :	::	::	€:	(48)	::	::	(3)	(96)
Total workyears and personnel compensation. Personnel Benefits	:	::::(£)	(1)	(48) (7) (15) (6)	:		(1)	(48) (7) (10) (10)	:	\$3,530	(5)	(96) (14) 3,512 (7) (4)
Total, program workyears and obligation changes requested, 1994	•	(2)	(1)	(94)	:	(9)	· (E)	(65)	:	6,630	(2)	6,481

Legal Activities

Salaries tind expenses. Community Relations Service

Priority Rankings

Program	Ranking	Program	Ranking
Conflict Resolution (CR) - Program Orderstions		CHEP - Primary and Secondary Beset-lement for Baft Arrivals	-
Reception, Processing and Care	8	CHEP - Bring total funded beds to	8
CR - Management and Administration CR- Technical Assistance	m er	over bikeberie	

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Lagal Activities
Salaries and expenses. Community Relations Service
Detail of Permanent Positions by Category
Fiscal Years 1992 - 1994

Category	1992 Authorized	1993 Appropriation Anticipated	1994 Total
Attorneys (905)	10	10	10
Senior Conciliation Specialists (301)	10 43 9	10	10 4 7 7
Technical Assistant Specialist (301)	សេក	wπ	so m
General Admin., Clerical and Office Services (300-399)	51	67	8
Total	123	121	119
Washington	36 87	35 86	3.4 85.4
Total	123	121	119

*Includes 8 positions in the Washington, D. C. area for programmatic support of field operations.

Amount	\$26,106 <u>26,106</u>	52	104 201 233 233 155 10 10 10 10 20 20 20 20 20 20 20 20 20 20 20 20 20
Work-	115 \$2	:	
Perm.	122	:	
Legal Activities Salaries and expenses. Community Relations Service Summary of Change (Dollars in thousands)	1993 as enacted	Adjustments to base: Transfer from Working Capital Fund	Mandatory Increases 1993 pay annualization. Within-grade increases Within-grade increases Health benefits Federal Insurance Contributions Act (FICA) Accident compensation - redistribution. General Sarvices Administration (GSA) rent. Postal - equipment purchase. Postal - equipment purchase. Postal - equipment purchase. Postal - equipment rental/maineence Royernment Printing Office (GPO) and Department printing Medical costs. Epostal costs. Epostal costs. Mandalization of 1992 positions. Annualization of 1992 positions. Federal Telecommunications System (FTS) Savings Beress Total, mandatory increases. Pederal Telecommunications System (FTS) Savings Basings to Achieve Deficit Reduction.

Service Services

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And the second s

Amount \$55

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	Legal Activities Salaries and expenses. Community Relations Service Justification of Abstracts to Base (Pollow of themsels)	•		
		Perm.	×	
4	Transfer from Working Capital Fund	:	:	
2	Permanent position and workyear reduction	7	7	
3	Mandatory increases:			
ä	1993 pay annualization	:	:	
ei.	Within-grade increases	:	:	
ë.	Health benefits	:	•	

2 to pay period 3 of 1992 projected for a full year.

Justification of Adjustments to Base (continued) (Dollars in thousands)

Perm.

		Pos.	Ä	Amount
÷	Federal Insurance Contributions Act (FICA)	:	:	\$42
ທໍ	Accident compensation	:	:	4.
ý	Unemployment compensation - redistribution	:	:	7
	General Sarvices Administration (GSA) rent	:	:	233
	Postal - equipment purchases	:	:	ST .

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Justification of Adjustments to Base (continued) (Dollars in thousands)

Amount	sp.	o.		-	1,370
ž	:	:		•	:
Perm.	:	:		:	:
	9. Postal - equipment rental/maintenance	The current sampling methods used by the U.S. Postal Service for assessing postage of penalty mail are not designed to provide a high level of precision and have proved highly inaccurate. Based on actual experience of Federal agencies who have already converted to the direct accountability method, the Department's actual postage costs will increase by 32-percent to 53-percent.	This increase is needed despite cost containment measures implemented in the Department (e.g., presorting of outgoing mail, centralized mail room operations), as well as reducing the use of expensive, non-contract sources of urgent-delivery parcels. Estimates based on actual experiences and professional experience require an increase of \$9,000, a 25 percent increase, which is well below that experienced by other agencies.	11. Government Printing Office (GPO) and Department printing	12. Medical costs
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Justification of Adjustments to Base (continued). (Dollars in thousands)

		POB	¥
.	Employee data and payroll services	• •	:
.	GSA recurring reimbursable services	:	•

\$

Amount

Perm.

15.

7

1.5

£

				Perm.	¥	Amount
16.	Annualization of 199 This provides for th for Program Operatio	2 positions	proved by Congress for 1992	:	N	\$73
		Approved 1992 Increases	Annualization Reguired			
	Annual malary race of S approved positions	\$128	\$128			
	Less lapse (50%) Net Compensation Associated employee benefit	-64 64 2	43-1 64-4			
	Total cost sulfact to annualization	73	73			
17.	General pricing level This request applies categories. The incl against those subobj through the market si to supplies, material transportation costs where inflation has	OMB pricing guidance as of June 9, 1992, to selected expense reased costs identified result from applying a factor of 3.1 percent set classes where the prices that the Government pays are established facts instead of by law or regulation. Generally, the factor is applied is, equipment, contracts with the private sector, printing costs, and utilities. Excluded from the computation are categories of expense liready been built into the 1994 estimates.	selected expense a factor of 3.1 percent ent pays are established cally, the factor is applied stor, printing costs,	:	:	*
	Total mandatory increases	・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・		:	8	2,106

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Justification of Adjustments to Base (continued)

Decreases: Decreases: 1. FTS 2000 Reduction		복		•	
Deckases: 1. FTS 2000 Reduction		Perm.		:	
	(Dollars in thousands)		Proxilegil	1. FTS 2000 Reduction	administrative coet reductions. The 1994 decrease is 565,000.

Total, adjustments to base......

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--\$65

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Legal Activities Salaries and expenses, Community Relations Service Summary of Requirements by Grade and Object Class (Dollars in thousands)	

Grades and salary ranges Executive Level IV, \$113,932 ES-7, \$103,727 ES-15, \$66,610-86,592 GS/GM-15, \$66,610-86,592 GS/GM-14, \$56,627-73,614 GS/GM-13, \$47,920-62,293 GS-12, \$40,299-52,385 GS-11, \$33,623-43,712 GS-8, \$25,160-32,710 GS-6, \$25,730-36,710 GS-7,\$22,717-29,540 GS-6,\$22,717-29,540 GS-6,\$22,717-29,540		Amount	1993 Estimate Positions 4 Morkyears Au 22 27 26 10 4 4 12 8 8	L Amount	1994 Request Positions & Morkvears 1 22 27 27 24 10 4 4 8 8	Quest ns 6 Ks Amount	Increase/Decrease Positions & Workyears Amount (2)	Anount
Total, appropriated positions Pay above stated annual rates Lapses	123 (10)	\$6,679 51 (211)	121	\$7,126 26 (558)	119	\$7,187 26 (558)	(5)	\$61
Savings due to lower pay scales for part of year Net full-time permanent	113	6,465	114	6, 521	112	(90)	(2)	175
Const train persons	11	160	: :	160	: :	160	• •	: :
Overtime	2	35 78 6,806	2	35 78 6.862	2	38 85 6,906		3 2 2
Average ES Salary	1	\$90,000 \$53,399 12.1		\$98,600 \$58,053 12.1	· ·	\$103,727 \$59,567 12.1		

Object Class	1992 Actual Positions 6 Workvears	ABOUNE	1993 Estimate Positions 4 Workyears A	Aste Amount	1994 Request Positions & Workyears	st 6 Amount	Increase/Decrease Positions & Workyears Amount	Crease.
11.1 Full-time permanent	113 12 2	\$6,122	114	\$6,521 228 113	112	\$6,565 228 113	(3)	\$44
Total	127	6,447	116	6,862	114	906'9	(2)	;
Dersonnel henefits		900		706		410		120
		N 45		967		016		7
Travel and transpor		653		9		681		21
Transportation of thi		11		23		23		:
		1,221		971		1,204		233
23		19		17		18		-
		532		260		553		(2)
		43		27		28		<u>_</u>
٦.		74		:		:		:
		10,428		12,287		14,230		1,943
		98		104		Ø		(12)
31 Equipment.		225				6 6		€;
		8,003		2,183		9,804		729
Total obligations	127	28,604	116	31,585	114	34,545	(2)	2,960
Inchidated belance atarticionary		-6.742		-5.479				
		5.479				•		
Unobligated balance lapsing.		2						
		27,343		26,106		34,545		
Total obligations		28.604		31,585		34.545		
of-year		4,416		-5,118		3,971		
Obligated balance, end-of-yearAdjustments in expired accounts		5,118		-3,971		-5,831		
Outlays		37,984		22,496		26,055		

CONFLICT RESOLUTION ACTIVITIES

I would like to speak in summary about conflict resolution and then summarize our request from the statement for our Cuban/

Haitian program.

The conflict resolution activities operate through 10 regional offices located in the cities designated as Federal regional centers and three field offices which are in Miami, Detroit and Houston. CRS staff seeks to prevent or resolve community conflicts and tensions arising from actions, policies and practices perceived to be discriminatory on the basis of race, color or national origin. CRS provides services, including conciliation, mediation and technical assistance directly to people and their communities. The most visible, recent example of CRS' efforts was our work in Los Angeles.

After the Los Angeles riot and until the verdict was announced in the Federal civil rights trial, CRS maintained a significant onsite presence in L.A. by detailing staff from its San Francisco regional office and other regional offices across the country. Prevention and crisis response activities were conducted in the following areas: police use of excessive force; Black/Korean conflicts; gang/ police and intergang conflicts; delivery of emergency services by FEMA; minority contractor conflicts; and racial conflicts in schools. In anticipation of a verdict in the Federal trial, CRS expanded its

In anticipation of a verdict in the Federal trial, CRS expanded its deployment and engaged in extensive community outreach and contingency planning, designed to reduce the prospects of a civil

disorder.

CUBAN/HAITIAN ENTRANT ACTIVITIES

I would like to move now to the Cuban/Haitian program and summarize for you the key sets of programs within the activity at

large

First of all, we have CRS' primary and secondary resettlement assistance. These programs are for new arrivals to the U.S. shores. Most of the clients are Cuban boat people who come over on small rafts, inner tubes and other makeshift conveyances. Now and then a brave young teenager has taken a Windsurfer across the straits into the Keys. When these people arrive on the shores of Florida, CRS is responsible for acting as a point of contact, along with the INS, specifically providing the services for these people to reduce the burden on local units of government and, of course, on the States.

The same with Haitian entrants that arrive, again often on rafts, small crafts, and sometimes through the airports. The Cuban and Haitian arrivals that we deal with in our primary and secondary resettlement programs include individuals, family members and often unaccompanied children for whom we have special programs.

MARIEL CUBAN EX-OFFENDERS PROGRAM

Then there is the transitional programs for the Mariel Cuban ex-

offenders.

In 1980, during the Mariel boatlift, approximately 130,000 Cubans came to these shores at that time. The vast majority of those individuals are the upstanding citizens that have turned Miami into the boom city and the gateway to the Caribbean and

Mr. Mollohan. The committee welcomes the Acting Director for

the Community Relations Service, Jeffrey L. Weiss.

Mr. Weiss, we will place your biography and written testimony into the record, and if you would like to proceed by summarizing your testimony or otherwise, we would appreciate it at this time.

[The biographical sketch of Mr. Weiss follows:]

BIOGRAPHY OF JEFFREY WEISS

Jeffrey Weiss is serving as the Acting Director of the Community Relations Service (CRS) of the United States Department of Justice. Mr. Weiss has been the

Deputy Director of CRS since 1991.

From 1988 to 1991, Weiss had been the Associate Director for the Office of Immigration and Refugee Affairs of the CRS. From 1981 until joining CRS, he worked for the Small Business Administration (SBA). At the SBA, Weiss was the director of the Office of Management and Technical Assistance in the Minority Small Business Division. Before assuming that position, he was deputy director of the Washington District Office, state and local government manager in the Office of Private Sector Initiatives, and a policy analyst in the Office of Policy, Planning and Budget.

He also served as the state director for Ohio at U.S. ACTION from 1980 to 1981,

following a three-year tour of duty as country director for the Peace Corps in the

Seychelle Islands, off the East Coast of Africa in the Indian Ocean.

Weiss held other training and technical positions, including responsibilities for special community projects establishing adult recidivism programs and halfway houses for juvenile offenders at ACTION between 1972 and 1977 and at the American can Technical Assistance Corporation. He was a Peace Corps volunteer to India from 1968 to 1971, working as a teacher and curriculum specialist for the Ministry of Education.

Weiss holds a master's degree in public administration from Southern Methodist University and a bachelor of arts degree from Yale University. In February, 1991, he received the Attorney General's Distinguished Service Award for his leadership in implementing the Department of Justice's South Texas Border Initiative.

OPENING STATEMENT

Mr. Weiss. Thank you, Chairman Mollohan and Congressman Moran.

I would like to introduce the other witnesses who are with me. Sitting next to me is Maurice Clifford, the Associate Director for Planning, Budget and Evaluation. Also with me is Gail Padgett, the Associate Director for Technical Assistance and Support, Ed Moyer, the Chief of our Budget Section and Ken Leutbecker, the Office of Immigration and Refugee Affairs.

You indicated I should summarize the statement. I would like to

read some highlights of it, if I could, and take a few minutes.

Mr. Mollohan. The full statement will be part of the record. I was just inviting you to use your discretion.

1994 BUDGET REQUEST

Mr. WEISS. Okay. Thank you.

Chairman Mollohan and Congressman Moran, I am pleased to have the opportunity to appear before you in support of the 1994

budget request for the Community Relations Service.

For 1994, CRS is requesting a total of 119 positions, 112 workyears and \$34,545,000. The request is distributed between CRS's two activities as follows: 90 positions, 90 workyears and \$9,828,000 for conflict resolution activities and 29 positions, 22 workyears and \$24,717,000 for the reception, processing and care of Cubans and Haitians.

Latin America that it is today. But, as you also know, out of that population there are approximately 10,000 Cubans who joined the flotilla when Castro emptied his prisons, his insane asylums, and his facilities for the criminally insane. These people have not been able to adjust their immigration status because of their criminality and mental deficiencies or mental health problems. These people cannot be deported back to their country of origin because we do not have a deportation treaty with Cuba as we do with other countries. These people remain in the U.S. and many of them recycle through the criminal and mental health systems of this country. Now, for these people, we have a set of programs in partnership with the Public Health Service.

One of the programs is the CRS Family Sponsorship Program, for people with less serious criminal records and higher levels of social functioning and employment possibilities. Under this program we place Mariel Cubans who are released from detention directly with families. That is the cheapest program to the taxpayers.

Then there is the CRS halfway house program, for parolees with, again, less serious criminal records but lengthy periods of incarceration, limited job skills. They go through our halfway house programs which are not dissimilar from the Bureau of Prison halfway house programs for American citizens, with the exception that we try to gear ours toward the unique culture and background of Cuba. Following successful completion of this program, these people are placed out into the community.

Then there is the Public Health Service halfway house programs that we fund. This program is for parolees with mental health or

drug abuse treatment needs.

Finally, there is the inpatient mental health treatment facility, which is presently located at St. Elizabeths Hospital in Washington. It serves two types of people: individuals who came over here and are virtually vegetable cases and detainees requiring mental health or drug abuse treatment. The first population is going to require, for the foreseeable future, as long as they are in the United States, long-term care and will not be able to leave an inpatient facility. About half of the beds at St. Elizabeths have been devoted to that purpose.

The other half of the beds are used to treat people with substance abuse problems and with acute psychiatric problems. We rotate these people through St. Elizabeths for treatment and then move them out into the community. So it acts as an outplacement mechanism for people who are in detention, mostly in Bureau of Prison and INS facilities, but who can be moved out to the commu-

nity with proper treatment in St. Elizabeths.

That, I think, summarizes my statement, and we will be happy to take questions.

Mr. Mollohan. Thank you.

[The prepared statement of Mr. Weiss follows:]

DEPARTMENT OF JUSTICE COMMUNITY RELATIONS SERVICE

STATEMENT OF ACTING DIRECTOR JEFFREY L. WEISS BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1994 budget request for the Community Relations Service.

For 1994, CRS is requesting a total of 119 positions, 112 workyears, and \$34,545,000. The request is distributed between CRS' two activities as follows:

- 90 positions, 90 workyears and \$9,828,000 for conflict resolution activities, and
- 29 positions, 22 workyears and \$24,717,000 for the reception, processing and care of Cubans and Haitian entrants.

Conflict Resolution

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CRS staff seek to prevent or resolve community conflicts and tensions arising from actions, policies, and practices perceived to be discriminatory on the basis of race, color, or national origin. CRS provides services, including conciliation, mediation, and technical assistance directly to people and their communities. The most visible, recent example of CRS' efforts was our work in Los Angeles.

After the Los Angeles riot and until the verdict was announced in the Federal civil rights trial, CRS maintained a significant on-site presence in Los Angeles, by detailing staff from its San Francisco Office and other regional offices across the country. Prevention and crisis response activities were conducted in the following areas: police use of excessive force; Black/Korean conflicts; gang/police and intergang conflicts; delivery of emergency services by FEMA; minority contractor conflicts; and racial conflicts in schools. In anticipation of the verdict in the Federal trial, CRS expanded its deployment, and engaged in extensive community outreach and contingency planning, designed to reduce the prospects of a civil disorder.

CRS does not take sides among disputing parties and in promoting the principles and ideals of non-discrimination, applies skills that allow parties to come to their own agreements.

The 1994 request for the Conflict Resolution activity includes a reduction of 1 position, 1 workyear, and \$55,000 in compliance with President Clinton's determination to reduce federal employment and a reduction of \$29,000 in administrative cost savings.

Reception. Processing and Care of Cuban and Haitian Entrants
Working with voluntary and governmental agencies, CRS'
Headquarters and Miami field offices provide humanitarian
services for the successful resettlement of Cubans and Haitian
entrants. These services include shelter care, child welfare,
and family reunification for these individuals following their
release from Immigration and Naturalization Service custody.

creative primary and secondary resettlement activities are provided to new arrivals through grants awarded to non-profit agencies. This program provides for the initial subsistence of the entrants, unites them with family already in the U.S., or a suitable sponsor, and aids them in acquiring employment and the skills necessary for self-sufficiency. CRS also employs non-profit agencies to operate shelter care programs for unaccompanied minors until they can be reunited with family members or placed in a foster or group home.

Transitional programs for Mariel Cuban ex-offenders are provided by CRS through non-profit agencies and the Public Health

Service. Approximately 10,000 of the nearly 130,000 Cubans who entered the U.S. during the Mariel boatlift of 1980 do not qualify for legal residency in the U.S. due to criminality or mental health. At last count, on April 27, 1993, 2,551 Mariel Cubans were serving criminal sentences in Federal, State or local institutions. In addition, on the same date, another 1,737 Mariel Cubans—most of whom were retained in custody as a result of a serious criminal offense—were being held in detention by INS, pending a determination of their suitability for parole. INS reviews each case annually and determines whether the detainee qualifies for release. Those who are determined to be eligible for release are then placed, on a space available basis, in one of the following:

- CRS family sponsorship program, for those with less serious criminal records, shorter periods of incarceration, and higher levels of social functioning and employment skills.
- CRS halfway house program, for parolees with serious criminal records, lengthy periods of incarceration, and limited job skills.
- PMS halfway house funded by CMS, for paroless outplaced from mental health or drug abuse treatment. One site provides specialized drug treatment follow-up services.

Another provides follow-up psychiatric treatment for acute care cases and also specializes in longer-term programs for the chronically mentally ill and/or developmentally disabled.

The last aspect of the Cuban/Haitian entrant activity is the inpatient mental health treatment facility located at St.

Elizabeths Hospital in Washington, D.C. At this facility, the Public Health Service, funded by CRS, delivers physical and mental health care and substance abuse treatment to Mariel Cuban patients. About half of the patients at this facility, at any given point in time, suffer from a chronic condition that is unlikely to improve. The other half are there to receive acute care, and most of them will eventually be released through a PHS halfway house program.

As with the conflict resolution activity, the 1994 request for the Cuban/Hartian entrant activity contains a reduction of 1 position, 1 workyear, and \$55,000 in support of the Administration's program to reduce federal employment and a reduction of \$10,000 in administrative cost savings.

7

An investment of \$6,630,000 is proposed to augment the financial resources available for the Cuban/Haitian entrant activity. These funds are required to provide for primary and secondary resettlement assistance to an increased number of new

arrivals anticipated in 1994 and for the continued provision of inpatient physical and mental health care and substance abuse treatment to Mariel Cuban detainees.

As reflected in the CRS budget submission, the number of Cubans rescued at sea by the Coast Guard has increased dramatically in the past two years. This trend is supported by our experience thus far in 1993. A continuation of the increase in Cuban entrants is anticipated for 1994. Discounting last year's experience with the mass migration from Haiti, some increase in the number of Haitian entrants is also contemplated. However, I would like to emphasize that the principal source of new arrivals is, and is expected to be, Cuba.

CRS' base level resources are only sufficient to accommodate approximately 1,658 entrants, including 200 unaccompanied minors. The requested investment of \$2,930,000 will enable CRS to provide resettlement assistance to an additional 2,442 Cubans and Haitians who are expected to enter the United States in 1994. Base level resources, combined with the investment requested for this program in 1994, will provide for resettlement assistance for a total of 4,100 entrants, including 200 unaccompanied minors. These levels, represent our best estimate of the number of entrants in 1994.

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The remainder of the investment requested for CRS, \$3.7 million, is intended for the operation of an inpatient facility at which Mariel Cubans can receive physical and mental health care and substance abuse treatment. The recipients of this care represent a unique responsibility for the Federal Government, in that these individuals can neither adjust their immigration status, nor be deported. Although some of the Mariel Cubans in this program may eventually progress to civilian society, about half of the beds financed by CRS are filled by patients with chronic conditions, requiring continuous care.

At present, CRS finances 95 beds, approximately half of which are funded by carry-over resources, i.e., unobligated balances residing in the account at the conclusion of 1992. By the end of 1993, however, all available resources will be consumed, leaving only enough funds at the base funding level for 50 beds. At this level, the inpatient mental health program will be reduced to caring for those who cannot care for themselves. With the investment requested for this program, CRS will be able to retain 89 of the 95 beds currently available for Mariel Cuban patients. This will permit the continuation of the program so that as many as another 100 Mariel Cuban detainees, who would otherwise remain in custody, will eventually succeed in making the transition to self-sufficiency.

Thank you for the opportunity to address the subcommittee.

LOS ANGELES RIOTS

Mr. Mollohan. In your statement, you mention the presence of CRS conflict resolution staff in Los Angeles from the time just after last year's riots until the recent verdict announcement. How many of your people were on site and for how long were they on site?

Mr. Weiss. After the riot, within 24 hours, we had five people on site and, within 48 hours, we had 14 people on site for a period of three weeks following the riot. After that, from May through January of 1992, we had a continued presence of four CRS conciliation specialists, and, in February and March, we upped that to eight people, leading up to the verdict. Toward the end of March and in April, we had 14 people there with six on standby and the entire CRS conciliation staff across the country on alert.

Mr. Mollohan. How were they received by the community?

Mr. Weiss. They were well received. We had very favorable relationships with Mayor Bradley and Chief Williams. Our history with Chief Williams goes back to his tenure as police chief in Philadelphia. Also, we enjoy excellent relationships with the community groups.

As a matter of fact, we held a series of summit meetings that brought together African-American, Asian-American and Hispanic leadership with county sheriffs and LAPD senior officials to work out arrangements and protocols for better communications, solve problems that existed or resolve misperceptions and deal with concerns and questions about excessive use of force.

So we acted as a good-faith, honest broker and facilitator of communications and relationships between police and community leaders.

Mr. Mollohan. There was a convergence of assistance in Los Angeles to address these community problems. You were one of the people who converged and who offered your assistance. How did you relate to the others who were coming in? How was all that coordinated, and how do you measure your effectiveness?

Mr. Weiss. The Attorney General's Office had a representative there in Los Angeles, Sorrell Brady, who acted as an ombudswoman, if you will, between the different justice components and also encouraged integration of services and relations with other Federal entities.

In CRS' case, we worked closely with the U.S. Marshals, the U.S. Attorney, and we also worked over the last year very closely with FEMA. We were instrumental in helping FEMA establish contacts with leadership of the minority community so it could reach forward with its services to that community. And if there were perceptions of problems with delivery of the service or special concerns, CRS was able to work that out. So we helped resolve problems with the Korean community in particular and also with the African-American minority contractors.

CONFLICT RESOLUTION EFFECTIVENESS IN L.A.

Mr. Mollohan. And how do you measure your effectiveness in all of that?

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Mr. WEISS. Well, it is always hard to measure what you prevent, because, our most successful stories are the stories that never happen. I mean succeeding in keeping the fabric of the community from being torn apart, a riot not erupting, or people not taking their concerns to court because we have enabled folks to work out their concerns, solve their problems through mediation.

We do know this. When there are tensions in a community, particularly in large cities across America with multiracial problems and high possibility for violence, that can result in economic disruption, court cases and costs to law enforcement officials if the tensions that lead to violence are not dealt with constructively.

Gail Padgett, who closely monitors our casework might be able to

add something.

Ms. PADGETT. I was going to add, one other measure in Los Angeles that we took to indicate success is that we thought we were effective as long as all the parties were continuing to talk with each other through our facilitation. If talks had broken down, we would have felt that we were losing our effectiveness, but that didn't happen. As long as a conflict came up and we could resolve it through peaceful means, discussions and mediation, we considered ourselves to be effective.

Mr. Mollohan. Did you play an essential role in facilitating that communication?

Ms. PADGETT. Yes, we did.

Mr. Mollohan. How? Can you talk about it?

Ms. PADGETT. As Jeff mentioned, we had a large staff in Los Angeles leading up to the trials.

Mr. Mollohan. Fourteen people?

Ms. PADGETT. That is a large part of our staff, close to 25 percent, I think, of our field staff. They worked in teams around the city. Each had special assignments connecting to different factions or

different elements of the community.

We were also relating to different subdistricts of the Police Department, addressing any part of the community that had a conflict with the Police Department, any social service agency, FEMA or other Federal agency. We constantly were bringing whomever might be in conflict and facilitating their discussions. Daily we would be working out agreements over how the police would patrol the school, how the police would respond to the lineup in the Post Office waiting for welfare checks or things like that. That would happen on a day-to-day basis as we watched for hot spots. We wanted to be sure that things didn't result in a crowd gathering and actions that were not peaceful.

RESETTLEMENT OF CUBAN/HAITIAN ENTRANTS

Mr. MOLLOHAN. You are responsible for the resettlement of Cuban and Haitian refugees who have been approved for entry into the United States. What specific types of expenses does the CRS incur and how much do they cost?

Mr. WEISS. The average resettlement cost for us is about \$1,200 per entrant, and the services are provided through our voluntary

agencies.

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Presently, for primary and secondary resettlement, we have cooperative agreements with U.S. Catholic Conference and Church World Service. The services that they provide include basic clothing, food, initial subsistence, housing setup, job referral, job development, hookups to pro bono legal assistance for proceeding forward with their asylum claims, language training and health care.

We provide assistance for an average of three months to these individuals. For medical cases, assistance may last for up to a year. For unaccompanied minors, it can also go up to a year, and that is

more expensive as well.

Mr. Mollohan. And then what happens to these people?

Mr. Weiss. Seventy-five percent of these individuals, Congressman, are directly placed with families. And that usually happens within 48 hours. For those who do not have family members, they are placed with church sponsorships across the U.S. Unaccompanied children are, again, either reunified with family members, placed in special sponsorship programs or foster homes.

Mr. MOLLOHAN. And you are asking for \$6.6 million for this func-

tion?

Mr. Weiss. Yes, sir. We are.

Mr. Mollohan. Is that an increase from last year?

Mr. WEISS. Yes, it is.

Mr. Mollohan. How much of an increase?

Mr. Weiss. Well, it is an investment of \$6.6 million. The increase

is \$6.6 million over and above what we have in our base.

Mr. CLIFFORD. Only a portion of the investment is devoted to the primary and secondary program that Jeff was referring to. That is, about \$2.9 million—

Mr. Weiss. Is for the primary and secondary resettlement.

Mr. CLIFFORD. The balance of the increase is for inpatient beds at St. Elizabeths for the Mariel Cubans.

Mr. Mollohan. Mr. Moran?

TREATMENT OF HAITIAN REFUGEES

Mr. Moran. Thank you, Mr. Mollohan.

The way in which the Haitian refugees have been treated lies in juxtaposition to the way in which Cuban refugees have been treated. I think a little of that may be racism, although I don't think that is as much of a factor as has been suggested.

I suspect that it is really a political factor, that the Cuban community is powerful and certainly very vocal, even strident, whereas there is virtually no political support for the Haitians in this country. And the way in which they have been treated would seem to be in direct correlation to the political support they have in this country.

We have taken anyone and everyone that Castro wanted to send here, in the case of the Cubans. And the Haitians—thousands have been sent back to pretty miserable conditions in Guantanamo Bay

and even worse in their own country.

So I am not impressed with this refugee resettlement program. But you don't make the policy. You are just required to carry it out.

But I just want to make a point for the record. That, as far as I am concerned, the right policy would have been to restore democratic leadership for that country and not to attempt this Band-Aid approach, which I think has been, for the most part, an embarrassment for the United States.

INPATIENT MENTAL HEALTH CARE

You are asking for \$3.7 million more this year for St. Elizabeths, yet you have got fewer psychiatric beds this year than last year. Why the increase?

Mr. Weiss. There is inflationary medical costs of 8.3 percent across the board in PHS programs, which is actually somewhat lower than inflationary costs in most institutions across the coun-

try.

Also, from 1985 to 1989, even with the requested increase above base, in this time of budget restraint—we had to make some tough choices. We chose to reduce St. Elizabeths by a few beds—by six beds—and keep the primary and secondary program fully funded, because it is that program where mayors and county officials rely on us to carry the ball, as these folks hit the shore, particularly in the southern part of the United States.

Mr. Moran. How much—

Mr. Moyer. I would also like to add to that explanation that funds in the Cuban/Haitian account are available until the money is expended. In 1993, we had carryover resources from the prior year that enabled us to fund the 1995 bed level at St. Elizabeths. We anticipate that those funds will be fully expended at the end of this year, and we will have no carryover resources going into 1994, which causes the requirement for the increase in 1994 in order to maintain 1989 beds.

POPULATION OF MARIEL CUBANS IN ST. ELIZABETHS

Mr. Moran. We put about 100 Mariel people in St. Elizabeths initially, was it?

Mr. Weiss. Ken, would you like to-

Mr. Leutbecker. Well, there is a 95 bed facility there, sir. And it has been operational since 1980. Over the years, there have been a

lot of people through that program.

As Jeff had indicated earlier, there are 40 to 50 beds at any one time, which are used for what we call chronic-care cases, but the other beds in the hospital do rotate. The psychiatric beds turn over on an average of twice a year. The treatment beds for substance abuse turn over up to three times a year. So there is a steady outflow of individuals.

Mr. Moran. But there shouldn't be a steady inflow.

Mr. Leutbecker. They are coming in from INS detention facilities for treatment at St. Elizabeths.

Mr. Weiss. So then you have an aging population. Even when they are released, they may be out for three or four years doing fine. They run into a criminal problem or they run into a physical or mental health situation, and then they are back in our care.

Mr. Moran. So we have perpetual responsibility.

Mr. Weiss. Until such time as there is a standard deportation arrangement.

DEPORTABLE CUBANS

Mr. Moran. And some of these are subject to deportation?

Mr. Weiss. Some of them are what are called list Cubans. Those were on the original list that the Castro government agreed could be deported back to Cuba.

Mr. Moran. How many?

Mr. Weiss. How many are on that list, Ken?

Mr. Leutbecker. There was an original list of 2,746 which was negotiated in 1984. Of that number, there are only 53 on the list who are currently in INS custody.

Mr. Moran. Because they are criminals?

Mr. Leutbecker. Yes. My understanding is the list was a composite of people who were both in Federal custody and in State and local criminal justice systems at a particular point in time in 1984, and those two groups made up the list of 2,746.

Mr. Weiss. And how many of those have gone back?

Mr. Leutbecker. Over 1,000 Cubans have been deported back to Cuba.

Mr. Moran. 1,000 out of the 2,746?

Mr. LEUTBECKER. That is correct.

Mr. Moran. And why haven't the others?

Mr. Weiss. Well, not all of them are criminals. That list was not exactly a scientific list on the part of the Cuban government. And, also, it has not been government policy to go after a list Cuban if they are not violating the law.

Mr. Moran. But if they do violate the law, do you bounce them?

Mr. Leutbecker. Yes, sir.

Mr. Weiss. Yes, sir.

Mr. Moran. Right away?

Mr. WEISS. They go through.

Mr. Leutbecker. They go through an administrative processing.

Mr. Weiss. A hearing, yes.

Mr. Moran. Which takes about six months?

Mr. WEISS. Correct.

Mr. Moran. Okay. All right. Thank you.

Mr. Chairman, thank you.

Mr. Mollohan. Thank you, Mr. Weiss. We appreciate your testimony this morning.

Mr. Weiss. Thank you very much, Congressman.

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WEDNESDAY, MAY 5, 1993.

UNITED STATES PAROLE COMMISSION

WITNESSES

EDWARD F. REILLY, JR., CHAIRMAN
HENRY R. GRINNER, JR., CHIEF OF STAFF
JUDY I. CARTER, EXECUTIVE OFFICER
WILLIAM PAUL KETCHPAW, BUDGET OFFICER
MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Mollohan. Continuing our review of the Department of Justice, we will now hear testimony from the United States Parole Commission. The Commission requests \$9,385,000 in fiscal year 1994. We will insert in the record at this point the Commission's fiscal 1994 budget justification.

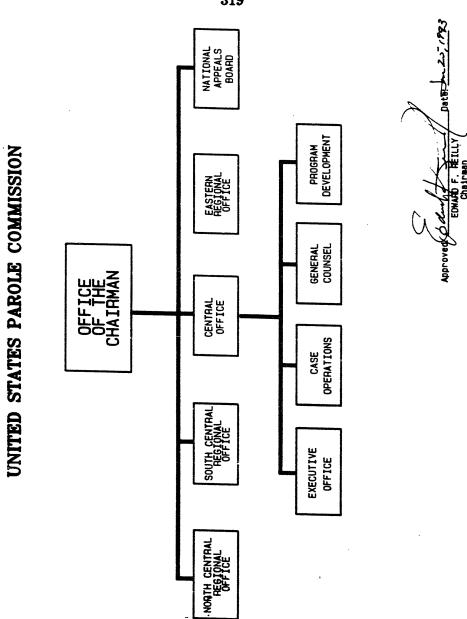
[The justification follows:]

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Department of Justice. U.S. Parole Commission. Estimates for Fiscal Year 1994

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U.S. Parole Commission Salaries and Expenses. Summary Statement.

Fiscal Year 1994

The 1994 budget request for the United States Parole Commission is \$9,385,000, 78 full-time permanent positions and 97 workyears. This request includes \$689,000 in mandatory increases, \$60,000 in transfers, \$64,000 in non-recurring decreases and \$477,000 in deficit savings over the 1993 appropriation of \$9,309,000. In addition, as part of the Administration's initiative to reduce government employment and trim administrative expenses, a program decrease of 2 positions, 2 workyears and \$142,000 is proposed. The following table summarizes the change in the Commission's budgetary resources from 1992 to 1994:

The 1994 budget proposes a significant savings as a result of the Administration's efforts to reduce the deficit and bring the costs of government in line with revenues. For the U.S. Parole Commission, these initiatives mean a continuation of the substantial down-sizing reductions that have been accomplished over the past several years. The Commission is responsible for approximately 19,239 parolees and 16,422 inmates who are eligible for parole, and although these numbers are steadily declining, substantial numbers will remain under the Commission's jurisdiction for the balance of this decade and beyond the year 2000. Much of the remaining caseload is comprised of paroless and inmates with more difficult and time-consuming case histories than was the case several years ago. The Commission's previous down-sizing decreases from 1989 to 1993 have totalled \$4,112,000 (net), and the authorized staffing level has declined from 176 authorized workyears in 1993. Workload continues to decline as the number of old law immates shrinks, but the rate of decrease is smaller, and consequently, the Commission's resource needs and staff requirements have not diminished as rapidly as earlier projections indicated. While the number of himates eligible for parole in the Federal corrections system constitutes only 25 per cent of the current prison population of over 66,000, they would constitute over 70 per cent of the population extant in 1980. Some elements of the Commission's caseload are not receding, but are remaining level or showing some growth. A prime example of this is the growth in the number of revocation hearings. Total revocation hearings increased by 14.4 percent between 1987 and 1993, and of these, local revocation hearings in 1987 to 598 in 1992 and a projected 545 in

appecis were considered made during 1992, and supervision was provided to approximately 21,000 paroless, special paroless and mandatory releases. Commission examiner teams completed reviews of supervision practices by U.S. Probation officers in 8 districts during 1992 in an ongoing program to ensure that parole supervision is adequate. Approximately 3,100 warrants for the arrest of alleged parole violators were issued during 1992, and 452 paroless were continued on electronic monitoring. The Legal staff received 872 new lawsuits and processed 2,371 FOIA requests. During 1992, the Commission made a total of 20,970 individual decisions regarding the grant, denial or reduction of parole. A total 2,165

Over the past two fiscal years the Commission closed three of its regional offices in Philadelphia, Atlanta and Belmont, California. A new Eastern Regional office was established in Chevy Chase, MD., and the Western Region workload was divided between the two regional offices in Kansas City and Dallas.

It is estimated that more than 95 percent of convicted felons will return to society at the conclusion of their incarceration. Parole is a way station in the Federal corrections process where many convicted felons can be reintegrated into society under conditions that are fair not only to the parolee, but also to the public. With firm supervision, former inmates can successfully learn to be law-abiding citizens and to function in a responsible manner. For those that fail to make the transition, the Commission will institute revocation when necessary in the interest of the public safety. The Commission's law enforcement responsibilities are ar important element of the Federal criminal justice effort and contribute to its need for discretion and flexibility when administering society's sanctions against those who violate its laws.

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U.S. Parole Commission.

Salaries and Expenses.

"justifies then of Proposed Changes in Appropriation Language.

The 1994 budget estimates include proposed changes in the appropriation language listed and explained bulow. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

\$9,385,000 For necessary expenses of the United States Parole Commission, as authorised by law, [\$9,309,000],___

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; Department of Justice and Related Agencies Appropriations Act, 1993.)

Explanation of changes

No substantive changes proposed.

U.S. Parole Commission Salaries and expenses Crosswalk of 1993 Changes

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U.S. PAROLE COMMISSION Science and expenses

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U.S. PAROLE COMMISSION Salaries and expenses Base Comparison

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The hazeline estimate of \$9,527,000 for the U.S. Parole Commission in 1904 is \$477,000 below the hase estimate calculated to enable the Commission to operate at its current level. The Commission will take actions to streamline its operations and reduce costs that do not have a direct impact on its mission.

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U.S. Parola. Commission... Salaries... and Expenses... Justification... of Program... and Performance... Activity. Resource... Summary...

Peru. W Amount Perm. 1994 Request Posts W Amount 78 97 59,385 Perm. WY Amount 80 527 (Dollars in Thousands) SO SO 1993 Appropriation Anticipated Parole..... LONG-RANGE GOAL: To make decisions on grants and denials of parole, conditions of paroles aud mandatory releases, recommittal in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976. MAJOR OBJECTIVES: To establish, with the aid of statistical data, a national paroling policy and promote the consistent exercise of discrotion in the pareling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction. To make fair decisions regarding the grant or denial of parole, which are fair to the prisoners and which adequately protect the public welfare, within specific time requirements for decisions established by law.

To provide forceful aupervision for released parolees and mandatory releases to enhance community protection and the rehabilitation of such released offenders.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

Reorganization Act of 1976 (Public Law 94-273, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. The Commission is an agency with independent, decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release). The Parole Commission and Reorganisation Act provides for nine Commissioners, one of which is designated Chairman, who are appointed by the President with the advice and consent of the Senate. Each Regional Office of the Commission is under the supervision of a Commissioner, and three Commissioners comprise the National Appeals Board in Chevy Chase, Maryland. Currently, there are five serving Commissioners whose terms expire in November, 1997 coincident with the termination date of the Commission. National parole policy is made by formal Commission deliberation at quarterly BASE PROGRAM DESCRIPTION: The United States Board of Parole was created by Congress in 1930. The Parole Commission and neetings. This continual study and review is designed to monitor and refine parcke practices throughout the Federal aystem.

and Pretrial Services Division of the U.S. Courts. FPS staff, who are assigned to the correctional institutions throughout the nation, prepare progress reports and other reports concerning parole applicants. Field supervision of released prisoners is provided by Probation Officers On a cooperative basis, the Commission uses the services of the staff employed by both the Federal Prison System (FPS) and the Probation of the Probation Service, who, pursuant to statute, function as "parole officers" for Federal prisoners. Report of parolees and mandatory releases are prepared by these officers and submitted to the Commission.

These guidelines, which were developed using guidelines that had been developed for the Parole Commission during the 1970's, went into effect on November 1, 1987. The original legislation provided for the Parole Commission to be phased out by November, 1992, but because As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1985, an extension for the sentencing guidelines was enacted of constitutional questions involving grants of parole for thousands of "old law" prisoners who would still be incarcerated at the termination dato, the Judicial Improvements Act of 1990 (P.L. 101-560) extended the life of the Commission to November 1, 1997 During flecal year 1991, the Commission closed its Northeastern and Southeastern regional offices in Philadelphia and Atlanta and consolidated these two regions into a new Eastern Regional office co-located with the Central Office in Chevy Chase, Maryland. The Western Region office in Belmont, California was closed in October, 1991, and its workload was divided between the two regional offices in Kanass transportation, and monetary parameters. The Eastern Regional office is responsible for the Eastern Seaboard states from Maine to Florida Southwestern ther of states from California on the west coast to Mississippi and Tennessee. The North Central Region is geographically the largest of the three regions and includes the Northwest, Rocky Mountain, Great Plains states on the west to Ohio and Kentucky on the east. and as far west as West Virginia and Alabama. The South Central Region, headquartered in Dallas is responsible for the Southern and City and Dallas. During 1992 the Commission redistributed its workload between the remaining offices taking into account geographic

Hearing Examiners working out of the Regional Offices conduct personal parole hearings with prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons on a bi-monthly schedule. Examiners also conduct revocation hearings at State and Local facilities, as required. Summaries of the hearings are recorded, then transcribed and sent to the Regional Office for the initial review and decision of a Commissioner. The Bureau of Prisons has continued to open new correctional facilities to accommodate the dramatically growing number of prisoners, and as new facilities have been opened, the Commission and BOP have agreed to concentrate parole-eligible inmates in fewer facilities in order to minimize the number of locations requiring hearing dockets. Beginning in FY 1993, the Commission will no longer have dockets at some eligible. Although there are fewer institutions on the dockot schedules, travel time between institutions and regional offices has increased 20 insútutions. As of February 26, 1993, there were 66,092 sentenced prisoners in BOP facilities of which 16,422 (24,9%) are parolewith the consolidation of regional offices. In addition, since correctional facilities tend to be located in rural areas that are not easily occasible by commercial transportation, the Commission's travel costs have remained high.

When an individual is released on parole, numerous conditions of release are imposed, and the violation of any of these conditions could result

120

in revocation of parole. The Commission has instituted a "sero tolerance policy" of illegal drug use by paroless. Any instance of illegal drug use by any paroles must be reported by the probation officer to the Commission. After the facts surrounding the violation are reviewed, a sanction or intervention is prescribed to correct or remedy the problem. Warrants issued by the Commission to initiate the revocation of an inmate's parole, and the resulting revocation hearings, have remained at relatively constant levels over the past several years. Timely processing of warrants and revocation hearings are essential to the general safety of the public and in maintaining public confidence in the parole process. Revocation cases make a disproportionate demand on examiner and staff time because of their adversarial nature and because a majority of parolees in these cases are represented by counsel.

month intervals, pursuant to U.S.C. 4208(h) depending on their sentence length. Institutional revocation hearings are an important determinant of the bi-monthly docket schedule. An alleged parole violator who is returned to an institution must be given a revocation hearings within the 90-day statutory deadline. Statutory deadlines effectively impose a bi-monthly docket schedule. Local revocation hearings initial hearings are due within 120 days of a newly-sentenced inmate's arrival in prison. Statutory interim hearings are due at 18 or 24 are required to take place within 60 days of arrest at or near the location where the infraction or arrest occurred. Witnesses are present and produce what are the most work intensive hearings.

In 1974, the U.S. Board of Parole developed and implemented the first guidelines to be used anywhere to structure incarceration and release decision-making. All parole and sentencing guidelines developed in the United States are, to a greater or lesser extent, an outgrowth of federal parole guidelines. The new Federal sentencing guidelines are yery nimitar to the parole guidelines which were used as a model in their development. The guidelines and the independence of the Federal parole system were affirmed and strengthened by Congress when it passed the <u>Parole Commission and Reerganization Act of 1976</u>. The act enhanced due process, provided the right for inmates to have a representative at their hearing and required that the reasons for denial be stated in writing. The Parole guidelines are built around two-dimensional matrix that considers offense severity on one axis and offender prognosis (risk) on the other. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reason(s) for its determination and a summary of the information relied upon. The guidelines have played a significant role over the past two decades in reducing sentencing

Prisoners who are dissatisfied with the decision rendered after their hearing may file an appeal with the Commission's National Appeals Board (NAB). The NAB can affirm, modify or reverse the decision under provisions set forth in 28 CFR 2.26. The NAB must complete the action within 60 days of receipt of the appeal. The Commission's Case Operations and Program Development section is part of the Office of the Chairman and provides functional supervision to Regional Hearing Examiners and Analysts. This section provides quality control of case decisions, coordinates the training program and is responsible for publication of the Parole Commission's Rules and Procedures manual (28 CFR 2.1 - 2.67).

The Legal Section, headed by the General Counsel; advises the Commissioners and staff on interpretation of the agency's enabling statutes

brought by prisoners and parolese. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1975. The Office responds directly to requests submitted under the Freedom of Information and policy, drafts implementing rules and regulations and anaists U.S. Attorney's Offices in defending the Commission against lawsuits Act. Finally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted. The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

An Administrative Office headed by the Executive Officer provides administrative support in the areas of personnel, budget and finance, procurement, and property and space management.

ACCOMPLISHMENTS AND WORKLOAD:

- A total 20,970 individual decisions regarding the grant, denial or reduction of parole, as required by statute, were made during 1992.
- A total 2,166 National Appeals Board considerations were made during 1992, as required by statute.
- Supervision was provided to approximately 21,000 parolees, special parolees and mandatory releases during 1992. မ
 - Completed reviews of supervision practices in R districts during 1992. ÷
- Continued conversion to a network of personal computers in the Central Office and the Eastern Regional Office. ĸ.
- Issued 3,100 warrants for the arrest of alleged parole violators.

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- Consolidated the Northeast and Southeast regional offices into the Eastern Regional Office at Chevy Chase, MD.
- Electronic monitoring of 452 parolees/mandatory releases, freeing up badly needed prison bedspace.
- The Legal staff received 872 new lawsuits and processed 2,371 FOIA requests.

The hearing, record review and appeals workload of the Parole Commission is presented in the following table:

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* Includes pre-Nagring Reviews. Name confinement reopenings are included in projections for 1993 and 1994.
** Includes Dispositional Reviscation Hearings.
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*** Includes D.C. Case Reviews for Concurring Signatures.

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1994 Request	SEC. 17. SEC. SEC.	for the U.S
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-	主	Program decreases of two positions, two workyears and \$94,000 are required for the U.S. Parole Commission to meet workyear
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PROGRAM CHANGES!	Perole	ogram deci
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established by the Administration. These reductions will be achieved through fully utilising attrition and early-out programs, increased managerial efficiency, and enhanced programs effectiveness. A program decrease of \$48,000 is required for the Commission to reduce administrative expenses to assist in controlling the Federal deficit and improve the Federal Government's administrative productivity. Reductions in administrative expenses will be accomplished through the efficient and effective operation of offices and programs within the Commission.

U.S. Parole Commission
Salaries and expenses
Financial Analysis - Program Changes
(Dallary in thrusands)

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U.S. Parole Commission Salaries and Expenses

Detail of Permanent Positions by Category

Fiscal Years 1992 - 1994

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Calcony	1992 Authorizad	Permanent Pestism and Workyear Reduction	Appropriation Anticipated	Program Excreases	Total
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Total	æ	-	£ .	;	* :

U.S. PAROLE COMMISSION Salaries and expenses Summary of Change ((Adjan in throwands)

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	(Dollars in Thousands)	\$	Amount
Trems	Trensfers from other eccounts:		•
-	Transfers from JBD for Personnel Staff costs, Justice Management Division's Personnel Staff to the Working INST Engerit proving from the Working Capital Fund from its corrunt appropriated Status within the General Administration appropriated to General Administration to fund the Personnel Staff are being distributed to Department components.	:	3
1	Manda Lory Instrument		
÷	1993 Pay Annual Ization. This pay temped Tatrion represents only first quarter excents (October through December) of the 1993 3.7 per cont pay increase effective in Jamery of 1993 plus appropriate personnel benefits (\$46,000 pay and \$14,000 benefits).	:	3
N.	Hithin-grade increases. This expected increase in costs of within-grade increases. This increase is based on and accurate dynamic model of the Department's employed population which includes numerous factors such as anticipated pay raises, adjustment's on include three-year attrition/separation experience rates, and correct ladder series to reflect promotion policy for each organization. The request includes \$31,000 for pay and \$14,000 for benefits.	:	* .
ei.	Ammeditation of additional positions approved in 1993. This provides for the Ammadization of one additional position approved in the 1993 appropriation for the Community Sentions program.	:	121
÷	Health Brandits. In reserving the log per cent of the total rate commercing in 1975. The reservative share of health insurance usual by 60 per cent of the total rate commercing in 1975. The reservate increase of \$16,000 provides funds for actual increased costs from pay period I to pay period 2 of 1992 projected for a full year.	:	±
si.	Federal Impuremes Comporation Act of the January 1, 1992, the base on which earnings for Social Security the Health Manuary 1, 1992, the base on which servings for Social Security and Health Impurement computations are calculated increased from \$57,450 and from \$57,450 to \$139,350 and from \$57,450 to \$139,350 respectively. This increase of \$34,000 is computed based on the increase in the base rate.	÷	*
÷	Accident Compensation in billing provided by the Oppartment of Labor for actual costs in 1992 of amployees! accident compensation. Rased on the actual billings, the 1994 increase will be \$107,000.	:	101

	Unemployment Compensation - Redistribution This increase reflects the most recent complete annual billing provided by the Department of Labor for employees wemengloyment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1994 increase will be \$2,000.	:
	General Services Administration (GSA) Rent. GSA Will CONTINUE to Charge Febial 74(6) Rent. space and reliated services. The requested increase of \$95,000 provides for this actual increase over the expected 1993 billing level.	÷
	Postal - equipment purchase. The equipment purchase is necessary to comply with the U.S. Postal Service mandate requiring Federal agencies to convert to a direct accountability as the method of determining postage costs for federal four-ment penalty mail. Complying with the direct accountability requirements cannot be done without procurement of electronic mail processing equipment for use at Department offices and facilities across the country and worlderide. This one-time increase of \$24,000 is for the purchase of scales, mail processing equipment and contractor assistance.	:
.0.	Postal - equipment rental/maintenance. This redest provides for the Maidlines increase for the recurring, annual expenses for meter rentals (cannot be parchased) and equipment maintenance necessary for the conversion of Federal agencies to the direct accountability method of determining postage costs. An increase of 56,000 is required.	:
i	Postal - under-reported postage usage. The turnest sampling methods used by the Postal Service for assessing postage of penalty mail are not designed to provide a high level of precision and have proved highly inaccurate. Based on actual experience of federal agencies who have already converted to the direct accountability method, actual postage costs will increase by 32-per cent to 53-per cent.	:
.2.	Covernment Printing Office (GPO) and Department Printing 1993 printing costs. The Department is also profestly a 3.7 per cent increase over 1993 reproduction costs. Therefore, an additional \$3,000 will be required in 1994 for printing done either by 80° or the Department's duplicating facilities.	:
<u>:</u>	Computer Security Disaster Recovery System. As required under the Computer Security Act of 1987 (P.L., 100.235) and DMB Circular A.130, the Department is implemented under the Computer Security Act of the Security of Department is implementing a system to provide disaster recovery for the its mission-critical information processing. Under the disaster recovery and continue to perform essential functions in the event that automated not system are interrupted due to mitural disasters, terrorist attacks or other catastrophic events. This system will reduce the Department's current winerability to losing a major portion of its mission-critical information processing in the event that normal data processing operations are disrupted. The Commission is requesting a total of 22,000 in Fig. 1994 to cover equipment and telecommunications expenses for the computer security disaster.	:

1	Mandellery, Increased, and Imped:	S	Į
ž	[majored Bris and Pure] Struction or lice are provided to all Bapertannial organizations except the Confidition and December of Investment of Struction (the Second Libertannial Briss of Investment of Minister, the Investment of Struction (the Investment of Struction of Struction (the Investment of Struction Of Struction (the Investment Staff), An increase of \$1,000 will be required in 1994.	:	
ž	Ministration released to services, for besting, vestilation, air conditioning and guerd services provided to the news to working the conditioning and guerd services provided of the news to working heart. This request for \$12,000 includes a Departmental redistribution that more accurately appeals the correct resources.	:	~
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ž	Mile regard and the last adjusted to the state of the sta	:	•
2	Tetal Numbery Increases	! :	\$
<u>.</u>	FIS 2000 Saving towners and Despet has proposed savings in the FIS 7000 system that may be realized in 1994. The Parale Commission enticipates savings of \$54,000 in the FIS 7000 program.	:	Ž.
	Total Decreases (autematic, mon-policy)	! :	Ä
	Total Adjustments-to-Bess	:	3

U.S. Parole Commission
Salaries and expenses
Summary of Requirements by Grade and Object Class

			(Dallars in theseands)	usands)				
	1992 Actual Presiliens		1993 Estimate Presidens		1994 Request		Increased Autume Pasitions	
Cirades and salary ranges	& Workycars	Amenunt	& Workycary	Amanam	A Wirthyears	Amxami	& Workycars	Amount
Executive Level IV, \$115,700	-		_		_		, =	
Executive Level V, \$108,200	æ		æ		æ		=	
CISKIM-15, \$66,610 - \$86,592	6		•		6		=	
CINCIM-14, \$56,627 - \$73,614	22		;;		22		=	
GSKIM-13, \$47,920 - \$62,293	c		7		ح		=	
(IN-12, \$40,299 - \$52,185	æ		×		_		Ξ	
US-11, \$33,623 - \$43,712	•		-		•		=	
CIS-10, \$70,007 - \$19,787	-		-		_		=	
CIS-9, \$27,790 - \$36,124	•		S		• •		=	
(IS-K, \$25,160 - \$32,710	r .		-				=	
CIS-7, \$22,717 - \$29,540	æ		×		×		c	
CIN-6, \$20,442 - \$26,574			_		-		=	
US-5, \$18,340 - \$23,847.	-		-		- -		=	
CIS-4, \$16,793 - \$21,311	~		_		_		=	
1994 Pay Raise	:		:		:		0	
Total, appropriated positions	£	166'15	ĝ	\$5,100	*	\$5,00	3	(40)
Pay ahare stated award rate.	c	Ξ	=	8	c	0	0	(02)
Lapres	۳.	Š6	9	(305)	£	(\$18)	=	€
Net savings due to knyer pay scales	c	€	c	Ê	=	=	=	2
Net full-time permanent	£	4,076	2	1.591	ž	4.554	(2)	(3)
Other than permanent:	,							
Part-time permanent		\$2	_	3 ,	_	23	=	-
lemprime employment	2 %	ž	X.	[o.]	×	1,002	=	Ê
Other personnel compensation:								
Overtine.	e.	7.	7	ដ	~	1,7	c	
Other compensation	c	24	=	42	e	¥	=	€
Special personal services payments	=	257	c	13	=	=	e	_
lidal, worklycars and personnel	•		;		į		•	•
CAMPINATING (N.M.)	£	162,291	Ē	\$5,714	8	\$5.C#5	3	<u>2</u>
Average Fracultive Ralary Average (AF tild Salary Average (AF tild Salary)		\$109,011 \$12,515 10 ER		\$109,011 \$44,140 10.29		\$112,877 \$44,410 10.21	•	

U.S. Parole Commission
Sąlaries and expenses
Summary of Requirements by Grade and Object Class
(Dallars in thuswards)

	1992 Actual		1993 Estimate		1994 Request		Increase/I)ourcave	2
Object Class	Wortgream	Amount	Workycars	Amount	Workyears	Amount	Workyears	Amkun
Punumel Compensation	•					,	•	
11 I Permanent practions.	æ	4,076	5	4,591	**	4.554	(3)	(3)
11.3 Phatisms other than permanent	52	RAS	29	1067	79	1.059	=	. 2
11 S Other persumed compensation	-	98	~	Z	~	8	c	· S
11 R Special persunnel services payments	0	257	0	~	0	=	0	-
Total	115	5,293	Ξ	5,734	3	5,685	(2)	€
Other objects:								
12 I Permanel honefits		913		100,1		988		9
13.0 Denefits for former personnel		244		-2		S		C
21.0 Travel and transportation of persons		6.58		SAR		<u>×</u>		=
22 0 Transportation of things.		44		×		28		•
23.1 GKA root		K32		#		915		\$6 \$6
23.2 Kent poid to others.		-		0		0		
23.3 Communications, utilities								
and other rem		472		445		458		=
24.0 Printing and reproduction		77		×		38		=
25 0 Other nervices		#7¢		424		437		=
26 () Supplies and materials.		3		£		<u>&</u>		•
31.0 Equipment		250		¥		588		•
Train of digatories	,	9,840	ı	600,6		9,185	:	92
Unxibiligated balance lapang.		<u>~</u>		c		0		
Total requirements.	1	9,855		9,309	1	9,185		
Relation of obligations to outlays:								
Tivas obligatives.		9,840		9,309		9,385		
Obligated helance, start-of-year		3,528		3,129		1.71		
Obligated halance, end-of-year	;	(3,129)		(1.714)		(716,1)		
(Milaya		10,239		10,724		9,782		

Mr. Mollohan. We are pleased to welcome the Chairman of the

parole Commission, Edward F. Reilly, Jr.

Mr. Reilly, we will insert your biography and your written statement into the record. The committee would like to welcome you here this morning. We appreciate your appearance.

If you would be kind enough to introduce the associates who have joined you and who intend to testify here today, and, after

that, proceed with your testimony.

[The biographical sketch of Mr. Reilly follows:]

EDWARD F. REILLY, JR.

Edward F. Reilly, Jr. was confirmed as a Commissioner of the U.S. Parole Commission on August 12, 1992 and designated Chairman on August 13, 1992.

Mr. Reilly is a recipient of a Bachelor of Arts Degree from the University of Kansas in Political Science. In addition, he has completed a number of courses relat-

ing to both business and governmental related issues.

Prior to his appointment as a Commissioner, Mr. Reilly served 29 years as a legislator in the State of Kansas. He served 28 years in the Kansas Senate and one year as a member of the Kansas House of Representatives. In the legislature, Sen. Reilly served as Assistant Majority Leader; Chairman of the Senate Committee on Federal and State Affairs; Chairman of the Senate Insurance Subcommittee; and Vice Chairman of the Senate Elections Committee.

He is a member of the American Justice Institute on Federal and State Prisons; a Commissioner on the National Commission on Accreditation for Law Enforcement Agencies; and a member of the Kansas Attorney General's Task Force on Drug Education. He has served as a member of the Community Liaison Committee for both

the U.S. Penitentiary and the Kansas State Penitentiary, Leavenworth, Kansas.

Mr. Reilly is a recipient of the Carnegie Hero Fund Commission Medallion; the Robert P. Connelly Award for Heroism by Kiwanis International; the American Legion Community Service Award; the Flag Award by the Daughters of the American Revolution; the Good Samaritan Award by the Police Hall of Fame; and the Silver Angel Award presented to him by the Kansas Catholic Conference.

He is a member of the National Institute of Corrections Advisory Board; the American Correctional Association; the National Committee on Community Corrections Advisory Board; the Romerican Correctional Association; the National Committee on Community Corrections and Committee on Community Corrections

tions; and has served on a number of Boards, Committees, and Task Forces relating

to issues involving the criminal justice system.

OPENING STATEMENT

Mr. REILLY. Thank you very much, Chairman Mollohan and Congressman Moran.

I am delighted to present this morning Henry Grinner, the new Chief of Staff and a 20-year veteran of the United States Parole Commission, who was recently made Chief of Staff by myself.

Also with us is Judy Carter, who is the Administrative Officer, and Paul Ketchpaw, who is the Budget Officer. Both of these folks recently joined the Parole Commission prior to my arrival and were with the Justice Department in the central office. We are delighted to have them, and I am delighted to have Henry Grinner as my Chief of Staff.

Mr. MOLLOHAN. We are pleased to welcome all of you.

Mr. Reilly. Thank you, Mr. Chairman. I am pleased to be here. This is my first experience after many years of public service in Kansas, and I am delighted to have the chance to appear before a congressional committee.

CONGRESSIONAL SUPPORT OF COMMISSION

I am pleased to have this opportunity to appear before you in support of the 1994 budget request for the U.S. Parole Commission.

I would like to express my deep appreciation for the support that this committee has given over the years to the Commission. Your support has ensured that the Federal parole system remains functional for old-law inmates who were sentenced for crimes commit-

ted prior to the effective date of the sentencing guidelines.

I have been Chairman of the Commission now for eight months, and it has been an exhilarating and challenging experience for me. I am truly impressed with the dedication and the professionalism of our career analysts and hearing examiners who serve the Commission and with the care with which they approach the cases that are entrusted to them.

The mission of the Parole Commission is not limited to reviewing the progress and accomplishments of inmates and their ability to be reintegrated into society. It also provides a major safety mechanism for the prison system itself and for society, to ensure, as best we can, that released individuals pose minimal risk of reincarceration, and that these parolees adhere to a set of release conditions designed to protect the public welfare.

1994 BUDGET REQUEST

The 1994 budget request for the United States Parole Commission is \$9,385,000, 78 full-time permanent positions, and 97 workyears. This request includes \$635,000 in net mandatory increases, \$60,000 in transfers and \$477,000 in deficit savings over the 1993 appropriation of \$9,309,000.

In addition, as part of the administration's initiative to reduce government employment and to trim administrative expenses, a program decrease of two positions and two workyears and \$142,000

is proposed.

The 1994 budget proposes a significant savings as a result of the administration's efforts to reduce the deficit and bring the cost of government in line with revenues that we have. For the U.S. Parole Commission, these initiatives mean a continuation of the substantial downsizing reductions that have been accomplished over the past several years.

PAROLE COMMISSION CASELOAD

The Commission is still responsible for approximately 19,239 parolees and 16,422 inmates who are eligible for parole. Although these numbers are steadily declining, a substantial population will remain under the Commission's jurisdiction for the balance of this decade and beyond the year 2000.

Much of the remaining case load is comprised of parolees and inmates with more difficult and time-consuming case histories than was the case several years ago. Because of that, our resource ex-

penditures per case have been increasing.

The Parole Commission will meet its objectives through the use of innovative technology such as teleconferencing, which we are reviewing at this time, through the implementation of one-examiner hearings and through the ability to structure internal management and administration in an effort to expedite the processing of cases before us. We believe that this budget request will provide adequate resources to conduct the required hearings for inmates in

Bureau of Prisons institutions, as well as to conduct necessary parole revocation hearings for parolees that are in the community.

Previous program decreases from 1989 to 1993 have totaled \$4,112,000, and the Commission's staffing has declined from 176 authorized workyears in 1988 to 100 workyears in 1993. Workload continues to decline as the number of old-law inmates shrinks, but the rate of decrease in our case load is smaller and, consequently, the Commission's resource needs and staff requirements have not diminished as rapidly as previous projections had indicated.

While the number of inmates eligible for parole in the Federal corrections system constitutes only 25 percent of the current population of over 66,000 sentenced prisoners, they would constitute

about 69 percent of the population extant in 1980.

Some elements of the Commission's case load are not receding but are remaining level or showing some growth. A prime example of this is the growth in the number of revocation hearings. Total revocation hearings increased by 33.4 percent between 1987 and 1992. And, of these, local revocation hearings, which are the most resource-intensive, they grew from 348 hearings in 1987 to 598 in 1992.

During 1992, the Commission made a total of 20,970 individual decisions regarding the grant, denial or reduction of parole. A total of 2,165 appeals were considered during 1992, and supervision was provided to approximately 21,000 parolees, special parolees and mandatory releases. Commission examiner teams completed reviews by U.S. probation officers in eight districts during 1992 in an ongoing program to ensure that parole supervision is adequate.

The Commission issued approximately 3,100 warrants for the arrest of alleged parole violators during 1992, and 452 parolees were continued on electronic monitoring. Our legal staff received

872 new lawsuits and processed 2,371 FOIA requests.

Over the past two years, the Commission closed three of its regional offices in Philadelphia, in Atlanta and in Belmont, California. A new eastern regional office was established in Chevy Chase, Maryland, and the western region workload was divided between the regional offices in Kansas City and Dallas.

It has been estimated that more than 95 percent of convicted felons will return to society at the conclusion of their incarceration. We believe that the parole system is an important component of the whole Federal corrections process which allows convicted felons to be reintegrated into society under conditions that are

fair not only to the parolee but also to the public.

With firm supervision, many inmates can learn to be law-abiding citizens and to function in a responsible manner. For those that fail to make the transition, the Commission does not and will not hesitate to institute revocation when necessary in the interests of the public safety. The Commission's law enforcement responsibilities are an important element of the Federal criminal justice effort and contribute to its need for discretion and flexibility when administering society's sanctions against those who violate its laws.

Mr. Chairman, this concludes my statement. I, again, appreciate the opportunity to appear before the subcommittee and present the Parole Commission's budget. Let me acknowledge the support of the Members of the subcommittee over the years for our programs. I will be pleased to respond to any questions that you have. [The prepared statement of Mr. Reilly follows:]

DEPARTMENT OF JUSTICE
STATEMENT OF THE CHAIRMAN, UNITED STATES PAROLE COMMISSION
EDWARD F. REILLY, JR.
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1994 budget request for the United States Parole Commission. I would like to express my appreciation for the support that this committee has given the Commission over the years. Your support has ensured that the Federal parole system remains functional for inmates who were sentenced for crimes committed prior to the effective date of the sentencing guidelines.

The mission of the Parole Commission is not limited to reviewing the progress and accomplishments of inmates and their ability to be reintegrated into society; it also provides a major safety mechanism for the prison system and for society, to ensure, as best we can, that released individuals pose minimal risk of reincarceration, and that these parolees adhere to a set of release conditions designed to protect the public welfare.

The 1994 budget request for the United States Parole Commission is \$9,385,000, 78 full-time permanent positions and 97 workyears. As part of the Administration's initiative to reduce government employment and trim administrative expenses, a program

decrease of 2 positions, 2 workyears and \$142,000 is proposed together with \$635,000 in net mandatory increases, \$60,000 in a transfer for personnel staff support, and a reduction of \$477,000 in deficit savings over the 1993 appropriation of \$9,309,000.

The 1994 budget proposes a significant savings as a result of the Administration's efforts to reduce the deficit and bring the costs of government in line with revenues. For the U.S. Parole Commission, these initiatives mean a continuation of the substantial down-sizing reductions that have been accomplished over the past several years. The Commission is still responsible for approximately 19,239 parolees and 16,422 inmates who are eligible for parole, and although these numbers are steadily declining, a substantial population, who are under the Commission's jurisdiction, will remain eligible for parole for the balance of this decade and beyond the year 2000. Much of the remaining caseload includes parolees and inmates with more difficult and time-consuming case histories than was the case several years ago, and because of that, our resource expenditures per case have been increasing.

The Parole Commission will meet its objectives through the use of innovative technology such as teleconferencing, which we are reviewing, through the implementation of one-examiner hearings and through the ability to structure internal management and administration in an effort to expedite the processing of cases.

We believe that this budget request will provide adequate resources to conduct the required hearings for inmates in Bureau of Prisons institutions as well as to conduct necessary parole revocation hearings for parolees in the community.

Previous program decreases from 1989 to 1993 have totalled \$4,112,000 (net), and the Commission's staffing has declined from 176 authorized workyears in 1988 to 99 workyears in 1993. Workload continues to decline as the number of old law inmates shrinks, but the rate of decrease in our caseload is smaller, and consequently, the Commission's resource needs and staff requirements have not diminished as rapidly as previous projections indicated. While the number of inmates eligible for parole in the Federal corrections system constitutes only 25 per cent of the current population of over 66,000 sentenced prisoners, they would constitute about 69 per cent of the population extant in 1980. Some elements of the Commission's caseload are not receding, but are remaining level or showing some growth. A prime example of this is the growth in the number of revocation hearings; total revocation hearings increased by 33.4 percent between 1987 and 1992, and of these, local revocation hearings, which are the most resource-intensive, grew from 348 hearings in 1987 to 598 in 1992.

During 1992, the Commission made a total of 20,970 individual decisions regarding the grant, denial or reduction of parole. A total 2,165 appeals were considered during 1992, and supervision

was provided to approximately 21,000 parolees, special parolees and mandatory releases. Commission examiner teams completed reviews of supervision practices by U.S. Probation officers in 8 districts during 1992 in an ongoing program to ensure that parole supervision is adequate. The Commission issued approximately 3,100 warrants for the arrest of alleged parole violators during 1992, and 452 parolees were continued on electronic monitoring. Our legal staff received 872 new lawsuits and processed 2,371 Freedom of Information Act (FOIA) requests.

Over the past two fiscal years the Commission closed three of its regional offices in Philadelphia, Atlanta and Belmont, California. A new Eastern Regional office was established in our headquarters facilities in Chevy Chase, MD., and the Western Region workload was divided between the regional offices in Kansas City and Dallas.

It has been estimated that more than 95 percent of convicted felons will return to society at the conclusion of their incarceration. We believe that the parole system is an important component of the Federal corrections process which allows convicted felons to be reintegrated into society under conditions that are fair not only to the parolee, but also to the public. With firm supervision, many inmates can learn to be law-abiding citizens and to function in a responsible manner. For those that fail to make the transition, the Commission does not, and will not, hesitate

institute revocation when necessary in the interest of the public safety. The Commission's law enforcement responsibilities are an important element of the Federal criminal justice effort and contribute to its need for discretion and flexibility when administering society's sanctions against those who violate its laws.

This concludes my statement, Mr. Chairman. I appreciate this opportunity to appear before the Subcommittee and present the Parole Commission's budget. Again, let me acknowledge the support of the Members of the Subcommittee for the Commission's program and thank each of you for your interest. I will be pleased to answer any questions at this time.

CHAIRMAN BACKGROUND

Mr. Mollohan. Did I understand in your preliminary remarks that you are from Kansas, is that right?

Mr. Reilly. Yes, sir. Kansas is my home. I am from Leavenworth, as a matter of fact. That is where I was born and raised.

And, of course, as you know, that is the home of the First Federal Penitentiary of the United States, so I have grown up in that atmosphere and have been very closely associated with not only the inmates and their families but with many of the families of those who work in those institutions. The senior staff who—we always say that if you have gone through Leavenworth, you have usually arrived, whether you are attending the Command and General Staff College at Fort Leavenworth or whether you have succeeded in passing through the Federal prison and gone on to higher and better things with the prison system. Many of those folks have gone on to be senior managers and directors of the Federal bureau.

Mr. Mollohan. And you have had experience in your back-

ground for this position?

Mr. Reilly. Yes, sir. My background is 29 years in the Kansas Senate. And for 22 of those 29 I was Chairman of the committee that oversaw all of the corrections issues, the reforms, the sentencing laws, and so on. So a wealth of background in corrections and criminal justice.

I have a degree in political science from the University of Kansas, and I have been engaged in the real estate, insurance and

banking businesses for many years.

Mr. Mollohan. Well, we appreciate the service of your delega-

tion up here.

I arrived with Congressman Slattery, as a matter of fact. And he is next door to me down the hall, and he is a particularly outstanding member.

Mr. Reilly. He is close to me.

Mr. Mollohan. Your workload has declined. Your testimony would reflect that.

Mr. Reilly. Right.

RELATIONSHIP OF WORKLOAD AND INMATE REDUCTIONS

Mr. Mollohan. You indicate that your workload is remaining constant, although the inmates under your jurisdiction are declin-

ing. Could you reconcile those two statements?

Mr. Reilly. I think I can. I think one of the greatest things that I have learned, Mr. Chairman, in my short period here, is the fact that American society, as we know, has become much more litigious in the sense that we are very conscious of the rights of

others, and their constitutional right to due process.

One of the things that I have had expressed to me continuously by our legal staff is the fact that we must be ever cognizant and cautious of providing due process for these inmates. They are well represented, as you undoubtedly know as a Member of Congress. Currently, cases are more complicated in the sense that not only are we dealing with the more serious offenders now, those that have been in for some time, but they all seem to have been well represented by legal counsel.

So our concerns are really the fact that we have to provide in a timely manner the hearings that they deserve, and, also, to be extremely cautious that those hearings are done properly with regard for due process.

Mr. Mollohan. Let me ask you this. Your hearings are going

down by 21 percent, is that correct?

Mr. REILLY. Right.

Mr. Mollohan. And the number of appeals are decreasing by about 18 percent, is that correct?

Mr. REILLY. That is right.

COMPLEXITY OF REVOCATION OF PAROLE HEARINGS

Mr. Mollohan. Okay. Based on that, one might be led to conclude that you see a program decrease of 20 percent. Translated into dollars, it would be about 1.9 million instead of the 1 percent decrease which you recommend. How do you justify not requesting a larger decrease?

Mr. Reilly. The justification, I think, rests with the numbers of revocations that we are now seeing. These are folks that we have released who are out on parole and who have violated the conditions of their release. When the probation officer under the court system advises us that an individual has become a threat, it is necessary for one of the commissioners then to issue immediately a warrant to bring that individual back into the system. So those have increased.

Revocation hearings are a more serious function of the Commission from the standpoint that the individual is out on the streets and we are going to take their freedom away and send them back to an institution. In order to do that, we have to provide a hearing, a revocation hearing.

Those are probably the most complicated of the hearings that we conduct. Unusual as it may seem, we use only one examiner in conducting those hearings where we use two examiners in the general initial hearings that we give in the institutions. This is a question that I have raised since my arrival, and I think that we are going to be changing that.

But to sidestep a moment on that issue, I feel very strongly that we can probably conduct the business of the Commission with one-examiner hearings. If we do that, we will, obviously, have some significant cuts in the future.

But, right now, the process of the revocations is taking its toll in terms of providing the hearings. They take time. They take a much greater amount of time than just an initial hearing of an individual who is incarcerated and you visit with that inmate in the institution. Revocation hearings are often held in the community where the parolee was arrested, often requiring two days travel status for the examiner.

So I think the biggest result would be the fact that we are seeing an increase in revocation hearings.

PAROLE REINSTATEMENT ADVANTAGES

Mr. Mollohan. Let me ask you one more question before yielding to Mr. Moran.

We are experiencing a huge increase in the prison population as a result of the sentencing guidelines, and there are expressions of concern from a number of different directions with regard to this increase. Given your experience, I would be interested in hearing you comment on the overcrowding in the prisons and the effect that the guidelines have had on that and your feeling about the sentencing guidelines and the idea of whether parole, or reinstating parole, might serve a number of purposes, including relieving the overcrowding in prisons.

Mr. Reilly. Well, thank you for the question.

Let me preface my statement by saying that I think we are getting in an extremely dangerous situation in terms of the Federal Prison System. We had this experience in Kansas, and we did a lot of things in terms of addressing our problems through the construction of a new institution and other correctional reforms to take care of some of the overload. But we were not under a master, as some States—I think 36 now—have some Federal mandate guiding them in their operations.

But, in our case, we never arrived at that, thank heavens. We were able, by virtue of the legislature's response, to address it by building a new institution to take care of the overcrowding because we were under a consent decree to go to one inmate per cell, which is unusual. The Federal system does not have that. In most cases they are bunking now two to a cell and in some cases even more.

I have discussed it with the Director of the Bureau of Prisons, and I know of their concern. And I think they are going to be ap-

pearing before Congress again about that.

I think we have reached a very critical meltdown stage in the system with all of these people coming in, and I would say that no one has been asking—at least I haven't heard it, but I have been asking it of my own staff: Are we really evaluating who we are incarcerating? Are they the people that we really intend to incarcerate?

I have to answer, at least from my own standpoint, having read a considerable amount about this in the last eight months since I arrived, that I think we have an awful lot of people who are first-time, nonviolent offenders who need to be looked at very carefully and very quickly—not only from the standpoint of the fact we are incarcerating them in institutions with violent individuals, and I am not sure what type of a product we are going to be releasing when they come out to go back to their families and communities.

I could cite example after example, including some of my own colleagues in the Senate in Kansas. One who, in particular, just had a son who was arrested and put in Leavenworth on a drug crime, but he is married and has three children, has never been in trouble before in his life, and is incarcerated in Leavenworth. And he has already told me some horror stories of the things that occur.

So I think we have a moral obligation to ask ourselves the question of who are we incarcerating? Who is reviewing these cases?

REEXAMINING HUMAN ELEMENT OF INCARCERATION

Judge Broderick of the Judicial Conference at a public hearing that I attended as an ex-officer member of the Sentencing Commis-

sion indicated that we have indeed become so statistical in terms of our approach that we have completely lost the human element that

goes into making our justice system fair.

Our justice system needs to be fair, it needs to be equitable, and it needs to eliminate disparity and discrimination. But, on the other hand, we have to be able to look at ourselves in the mirror every morning and say, we have been fair. We should not be incarcerating a 21-year-old who has been in trouble for the first time, a nonviolent offender who has never had a traffic ticket or been in serious trouble, but because of the weight of the drugs with which he or she was picked up will do five, seven, ten years in a prison. Hopefully, he or she won't go into a maximum security institution. But again, the space constraints now have created some major problems.

So, to further expand on your question—I wanted to respond to the function of parole. Parole has a bad name in terms of what has happened so many times at the State levels, including my own

State of Kansas.

We did not have guidelines such as the Federal system has and has had since the early 1970s. Many States—and I just attended the Association of Parole Authorities' meeting—do not have guidelines at all. Parole is a subjective judgment that is made by a group of well-meaning men and women who come in and sit down and look at the inmate and say, you know, you look good. You are carrying the Bible now. You tell us you have reformed. And so we will give you a chance.

The Federal system—and what has impressed me about it and what I stressed with our own Kansas folks, and they have now adopted some guidelines in terms of the parole procedures—it is very methodical. Yes, there will be mistakes made as there will be in anything that we do. But I think that the success of the Federal parole authority, in terms of the people that it has released and what has happened with those folks, has been one that I think we

can say, with pride, has worked well.

I understand the political ramifications to the Congress and to everyone else of the word parole. It has bad connotations with the general public because of some of the people that have been released in the State systems. Many people don't understand probation at all and its relationship to parole. And then, of course, when you couple it all with the sentencing guidelines and the mandatory minimums, it becomes a very, very mixed affair which nobody really can explain too well and nobody understands, except those of us who intimately deal with it.

I think there needs to be a review process of some kind by some-body. That is not answering your question about parole. I don't think you can call it parole. I think you are going to have to call it something else. But I do think we need to return that human element to the justice system. Someone has to be there to review these cases and to determine, through means that Congress establishes, who should and who should not continue to be incarcerated in the system. Because I don't think we are being fair with many of the people that we are incarcerating today.

Mr. Mollohan. Mr. Moran?

Mr. Moran. I would like Mr. Reilly's last statement to be the

last word, so I don't have any questions, Mr. Moran.

Mr. Mollohan. Mr. Reilly, we thank you very much for your testimony here today. We do have a few questions that we are going to submit for the record, and we would appreciate your responding to those.

Mr. Reilly. Thank you very much, Mr. Chairman.

Congressman Moran, thank you.

[The following questions were submitted to be answered for the record:]

QUESTIONS SUBMITTED BY CONGRESSMAN MOLLOHAN

Community Sanctions Project

QUESTION: What is the status of the Community Sanctions project funded in 1993?

ANSWER: In examining alternative methods to deal with technical parole violators, a task force made up of representatives of the Parole Commission, Probation Service and the Bureau of Prisons developed a plan to open two pilot sanctions centers in Baltimore and Washington, D.C., and the centers were opened in May, 1992. The intent of this project is to pursue effective sanctions other than returning the individuals to prison. Of the first 106 paroless accepted into the program, 53 have successfully completed it and been returned to parole status, while 47 were terminated and returned to prison. The participants of this program are recipients of intensive supervision and are able to remain in the community with graduated sanctions in lieu of immediate return to prison.

QUESTION: Do you have any results you can share with the Committee?

ANSWER: We do not yet have a formal evaluation of the project's results, since it is still relatively young. However, a research component of the Federal Judicial Center is monitoring the program and will publish the results of their research on the centers. The first year preliminary report is due in mid-June 1993.

QUESTION: Do you plan to continue the project in 1994?

ANSWER: Yes, since the cost to the Parole Commission is relatively low, we believe that the continuation of this project will yield some long-term benefits. This program is being studied and emulated in a number of States, and we believe it to be a viable and cost-effective program that can be replicated across the country in the next few years.

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OFFICE OF JUSTICE PROGRAMS

WITNESSES

- S.S. ASHTON, ACTING ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS
- JACK A. NADOL, ACTING DIRECTOR, BUREAU OF JUSTICE ASSISTANCE
- JOHN J. WILSON, ACTING ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
- PHYLLIS M. BLACK, DIRECTOR, BUDGET STAFF, OFFICE OF JUSTICE PROGRAMS
- JUDITH DRAZEN SCHRETTER, GENERAL COUNSEL, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN
- MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER
- ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Mollohan. Next the committee would like to invite to the witness table the Office of Justice Programs.

With the Office of Justice Programs, the committee continues its review of the Justice Department for fiscal year 1994. The request for Justice Assistance is \$665,652,000, and \$28,909,000 is requested for Public Safety Officers Benefits. We will insert in the record at this point the OJP's fiscal year 1994 budget justifications.

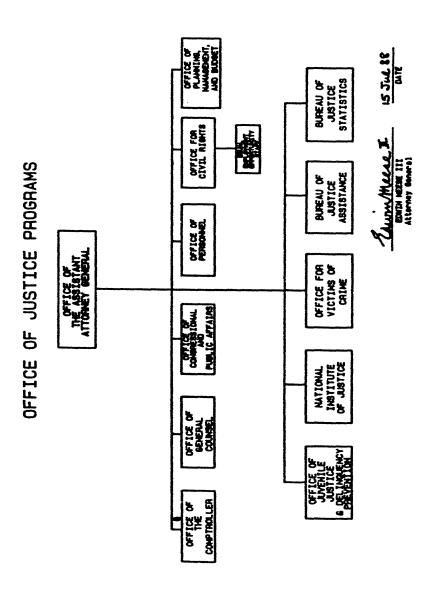
[The justification follows:]

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Department of Justice Office of Justice Programs Estimates for Elscal Year 1994

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This is

Office of Justice Programs Justice Assistance Summary Statement Fiscal Year 1994

343 permanent positions, and 343 workyears. This request The Office of Justice Programs (OJP) is requesting, for 1994, a total of \$665,652,000, 343 permanent positions, an represents a decresse of \$1,647,000, five positions, and five workyears below the 1993 appropriation anticipated Budget authority is requested for eight programs: (1) Research, Evaluation, and Demonstration programs, which conduct research into all aspects of the criminal justice system; (2) Griminal Justice Statistical programs, which provide statistical information dealing with crime and the operation of the criminal justice system at all levels of government; (3) the Juvenile Justice program, which also in the prevention, reduction, and treatment of juvenile crime and delinquency and provides technical and financial assistance to State and local agencies; (4) the Hasing Children program, which is a sized at combating the criminal and sexual exploitation of children; (5) the Regional Information Sharing System program that maintains regionally based information centers that a series and local law enforcement agencies in addressing multi-jurisdictional crimes; (6) the Anti-Drug Abuse program, which enhances State and local efforts to control drug use and drug-related crime and the improvement of the criminal justice system; (7) the Child Abuse Investigation and Prosecution program; and (8) the Judicial Child Abuse

Research, Evaluation, and Demonstration Programs

The National Institute of Justice (NIJ) is the Nation's primary source of research and development on crime and the criminal justice system. NIJ's mandate includes responsibility for understanding the causes of crime, identifying and demonstrating programs and methods for preventing and reducing crime, studing and improving the criminal justice system, evaluating the effectiveness of criminal justice programs to determine what programs work and why they work, and disseminating this information by serving as a national and international clearinghouse for the exchange of criminal justice information. The request of \$22,995,000 for 1994 will continue the program at the 1993 level.

Criminal Justice Statistical Programs

The Bureau of Justice Statistics (BJS) is responsible for the collection, analysis, and publication of statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government and internationally. The mission of the Bureau is two-fold: to provide senior officials of the Justice Department, the White House, the Congress, the Judiciary, criminal justice practitioners and academia, and the public with accurate and timely justice data and to support the smerging capacity of State and local governments to use justice data as a cornerstone of their jugice programs. For 1994, the program will be continued at the 1993 funding level

Emergency Assistance

This program offers a Federal response to situations of an emergency nature that exceed the capacity of local law enforcement resources. The legislation authorizes the provision of funds, equipment, training, intelligence information, and personnel to a State in the event of a law enforcement emergency. Budget authority was provided for the program in 1993 and there is currently an unobligated balance of about \$1,800,000. No funds are requested for the program for 1994.

venile Justice Program

The Juvenile Justice program provides funds to States and localities for juvenile justice and delinquency projects in the areas of education, training, research, prevention, treatment, and rehabilitation. The major thrust of the program is to attain compliance with requirements to definstitutionalize status offenders, remove juveniles from adult jails and lock-ups, separate juvenile and adult offenders in institutions at the State and local leyels, and address the overrepresentation of minority youth in secure facilities. For 1994, the requested funding level of \$73,450,000 maintains the program at the same level as 1993.

ssing Children

This program, which was first authorized and funded by Congress in 1985, provides funds to combaint crimes against children, particularly kidnapping and sexual exploitation, by assisting families, citizen groups, law enforcement agencies and government institutions in a national effort to ensure the safety and protection of children. A program decrease of \$2,500,000 is requested for 1994. Of this amount, \$500,000 would eliminate funding for the Missing Alzheimer Patient Alert System project, which has been funded by Congress for two years. This project is now functioning and might be more appropriately administered by another Federal agency, such as the National Institute of Mental Health. The remaining cut of \$2,000,000 would not advarsely affect the Missing Children program, particularly since it is estimated that up to \$2,000,000 may be unobligated at the end of 1993.

Mariel Cubans

ŏ Since 1985, Congress has appropriated over \$42,000,000 for the Mariel Cubans program. The program reimburses States for part of their costs of incarcerating Mariel Cubans who entered the United States in 1980 during the Mariel Cuban Boat Lift and have since been convicted of a felony offense. After eight years of funding the program at about \$5,000,000 per year, Congress reduced the funding level to \$2,500,000 in 1993. Since the program is not of sufficient priority to warrant a share of the limited funds available to the Department of Justice, no funds are requested for the program in 1994.

Regional Information Sharing System

This program provides funds to maintain six regionally based information sharing centers throughout the United States that service State and local law enforcement agencies in addressing major, multi-jurisdictional crimes. The program encourages and facilitates the rapid but controlled exchange and sharing of information pertaining to known or suspected criminals or criminal activity among State and local law enforcement agencies and enhances coordination and communication among agencies in pursuit of criminal activity determined to be multi-jurisdictional in nature. Funds also support Leviticus, which is a consortium of approximately 31 agencies in 21 States and is committed to the investigation and prosecution of conspirators engaged in major white collar securities crime. For 1994, the RISS program would be continued at the 1993 funding level of \$14,491,000.

Anti-Drug Abuse Program

enforcement This program was first authorized by the Anti-Drug Abuse Act of 1986 to assist State and local governments in their drug control and enfor efforts. Amendments to the program were enacted in the Anti-Drug Abuse Act of 1988 to incorporate efforts to improve functioning of the criminal justice system, with emphasis on violent crime. The program offers a comprehensive, coordinated approach to the nationwide drug problem. It enables State and local units of government to attack their drug control problems while also contributing to and supporting

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jurisdictional drug control approaches, making them partners with the Faderal government in the war on drugs. For example, hundrads of multijurisdictional task forces are supported with these funds. Because of the combined participation of Federal agencies, these task forces expand
the nationaide ability to disrupt drug trafficting. The program also raises the quality of drug enforcement efforts by transferring now
technologies and the training of State and local personnel in areas such as financial investigations, seizure and forfeiture of assets, and
upgrading crime laboratories. These special stills are needed to apply new technologies and laws related to investigation, prosecution,
punishment, and treatment of drug orines and offenders. The 1994 request of \$496,000,000 continues the overall program at the 1993 funding
level. The amount requested will provide \$431,000,000 for the Formula grant program, \$50,000 for the Discretionary program, \$13,000,000 for
the fourth and final year of funding for the FIN NCIC 2000 project, and \$2,000,000 for the Discretionary program, \$10,000,000 will be allocated to the Weed and Seed program; \$16,000,000 will be
available for salected octs related to the participation of State and local law enforcement agencies in Federal task forces; and \$8,000,000
will be targeted at the development of boot camp prisons, which is authorized under the Correctional Options Program:

with the contract

Child Abuse Investigation and Prosecution

This program, which was first funded in 1992, is simed at improving the investigation and prosecution of child abuse natiomaide through the provision of training, publications, and technical assistance. The 1994 request maintains the program at the 1993 funding level of \$1,500,000.

Judicial Child Abuse Training

The Judicial Child Abuse Training program was also funded in 1992 for the first time. The program was established to develop and implement model training and technical assistance programs to improve the handling of abuse and neglect cases by juvenile and family courts and to design model programs to improve State court systems. The program will be continued in 1994 at the 1993 funding level of \$500,000.

Management and Administration

This activity provides for the executive direction and control, policy coordination, and the full range of management responsibilities of the Office of Justice Programs (QP) and its Bureaus, which are the National Institute of Justice, the Bureau of Justice Statistics, the Bureau of Justice of Justice of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The request for 1994 provides a decrease of \$2,000, (Vive positions, and five vorkyears. This amount into \$4,735,000, which is related to the President's goal of reducing administrative expenses to assist in controlling the Federal deficit. A decrease of \$330,000, five positions, and five workyears represents the QP contribution towards achieving the President's goal of reducing Federal civilian employment by 100,000 positions over a three-year period.

Office of Justice Programs

Justice Assistance

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Justice Assistance

and with the Victims of Crims Act of 1984, as amended \$90.652.000	PATE	, .	: and (c) \$2,000,000 shall be available for the activities of the District of Columbia Hetropolitan Area Drug Enforcement Teak Force	\$8,000,000 S
For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1966, as assended, and the Missing Children's Assistance Act. as amended, including salaries and expenses in connection therewith, [58,999,000], remain available until expense, in connection therewith, [58,999,000], under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate a Missing Alzheimer Patient Alert	In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and L of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Marcottos Control and Justice Assistance Improvements, [including salaries and expenses in connection theregisth \$496,000,000, to remain available until expended, of Which: (a) \$475,000,000 hall be available.	to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Frograms; (b)[\$1,000,000 to be derived from unobligated balances appropriated for this purpose in Public Law 102-140 shall be available to carry out part N of title I of said Act, for Grants for Inlevised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-64 (104 Stat. 4814); and (c) \$21,000,000_mhall	be available to the Director of the Federal Bursau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Start - 682b) Revided. That \$16,000,000 of the funds made available under chapter A of subpart 2 of part R of title 1 of the Omnibus Origes Control and Safe Streets Act of	1968, as amended, shall be available to relaburse any appropriation account, as designated by the Attorney General, for selected costs incurred by State and local law efforcement agencias which enter into cooperative agreements to conduct joint law enforcement operations with Federal agencies: Provided further, that, notwithstanding the provisions of section 516(a) of chapter B of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, [\$3,000,000] of the funds made available under chapter A of subpart 2 of part E of

216A of said Act

7661	:Provided further. That funds authorized under Chapter A of sub-	PARE 2 of pare E of title 1 of the Omnibus Grins Centrol and Safe Stream Act of 1968, as assunded, may be used to make	America program, under the Controlled Substances Act. as amended by the Grime Control Act of 1990 (21 U.S.C. 862)	Atections and 202	for title II of the Victims of Child Abuse Act of 1990.	At amanded.
title I of said Act, shall be available as follows: (a) \$1,500,000 for grants to private nonprofit organizations to carry out the provisions of section 515(a)(2) of chapter B of subpart 2 of part E of title I of said Act, and (b) \$1,500,000 for grants to public agencies to carry out the provisions of section 515(a)(3) of chapter B of subpart 2 of part E of title I of said Act: [Frovided further, That \$6,000,000 of the funds made available under chapter A of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act for Correctional Options Grants:] Provided further, That funds made available in fiscal year [993] under subpart I of part E, of title I of	the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habes corpus petitions.	In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Protector Act of 1822.		previously awarded under part 8 and subparts I and II of part C of title II of aaid Act. and of which 24,000,000 is for expenses authorized by Section 281 of part D of title II of aaid Act.	In addition, and notwithstanding section 214(b) of title II of Public Lew 101-647,(104 Stat. 4794), \$1,500,000, to remain available until	expended, for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse for technical assistance and training instrumental to the criminal prosecution of child abuse cases,

and training instrumental to the criminal presecution of child abuse cases, as authorized in section [13 of Public Law 1011-64][JLOG Stat. 4791].

In addition, and nocwichsending section 224(b) of title II of Public Law 101-647 (104 Stat. 4798), \$500,000, to remain available until expended, for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized in section 223(a) of Public Law 101-647 (104 Stat. 4797).

[In addition, \$2,500,000, as authorized in section 501 of Public Law 99-603, for the purpose of mathing grants to States for thair expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1992, through September 10, 1993, following their conviction of a felony committed after having been paroled into the United States by the Actorney General:

Provided, That within thirty days of enactment of this Act the Actorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1993, a listing of names of such Mariel Cubans incarcerated in their respective facilities: Provided further, That the Attorney General, not later than

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....

April 1, 1991, will complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the besis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: Provided further, That the amount of reimbursements per prisoner per annum shall not exceed \$12,000.

(Department of Justice and Related Agencies Appropriations Act. 1993.)

Explanation of Changes:

- The first change adds language to incorporate authority citation for management and administration of the Office for Victims of Grime (OVC). Administrative funds for OVC are contained in the Justice Assistance account, however, the language includes no reference to the authority to establish the office, which is in the Victims of Grime Act, as amended.
 - The second change deletes language for the Congressional estmark of \$500,000 for the Missing Alsheimer Patient Alert Program, since no funds are requested for the project.
 The third change deletes reference to authorizing legislation for the bureau of Justice Assistance (BJA), since administrative funds for BJA are included in the first paragraph. ~;
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- 4 4
- The fourth change deletes funding authority citation for Part N, Grants for Closed-Circuit Televising of Testimony of Children who are Victims of the deletes funding authority citation for Part N, Grants for Cloumbia Hetropolitan Area Drug Enforcement Task Force. The fifth change adds language to set aside funds for activities of the District of Columbia Hetropolitan Area Drug Enforcement Task Force. For the second year, this project will be funded with resources outside of the discretionary program. For the second year, this project will be funded with resources outside of the discretionary program. The saventh change deletes the citation that provided for the 1993 earmark of \$6,000,000 for Chapter B Correctional Options Program. The saventh change adds language to allow the use of Anti-Drug Abuse discretionary funds under the Juvenila Justice program. The enthth change removes language to allow the use of Anti-Drug Abuse debiligated funds under the Juvenila Justice program. The tenth change updates the legislative citation for a grant to American Prosecutor Research Institute's National Center for Prosecution of Child Abuse.

 The aleventh change deletes funding authority for the Mariel Cubans program.

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Office of Justifice Processes Justifice Annistance Greenwalk of 1991, Changes (bollars in thousands)

Concressional Appropriation Accident. Congress reduced base funding for Research, Evaluation and Demonstration progress by \$934,000. For Crisinal Justice Statistical progress, congressional action provided no resourced for the progress and anterested to a facility are requested and reduced bear funding level by \$132,000 that were requested and reduced the base funding level by \$132,000. Congressional action restored to all funding for Lubenhis public was restored to a family, level 6 \$750,000 the historical progress for Althiese Facility that project. The Marial Columb progress was restored to a family, level 6 \$75,000,000 that the progress is a family level 6 \$75,000,000 that historical progress level. The Facility reduced the about provided for the FBI MCIC 2000 progress by \$1,000,000 and altisanced \$1,000,000 for the Anti-Drug Abuse progress, which specifically reduced the about provided for the FBI MCIC 2000 progress by \$1,000,000 and altisanced \$1,000,000 for the Anti-Drug Abuse species with specifically reduced the about provided for the FBI measured \$7,000,000 for the Anti-Drug Abuse species with specific progress in addition, the proposal to allocate \$7,000,000 of Anti-Drug Abuse resources to the Regional Information Sharing System progress to the 1997 funding respect to Anti-Drug Abuse progress and the Judicial Child Abuse Virginia progress to the 1997 funding and vortywars was applied in accordance with the President's about profiting level. A reduction of four positions.

Transfer from Office of National Brue Control Folicy. Congress authorized a transfer of \$2,000,000 from the Special Forfeiture Fund, Office of National Drug Control Folicy, to provide funding for the Netropolitan Area Drug Enforcement Task Force.

Office of Justice Trassme Justice Assistance Summary of Besticements (beliate in thousands)
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1993 as enacted Transferred from other accounts (Special Perfetture Pund) 1993 permanent pesition and workyear reductions 1993 permanent pesition and workyear reductions 1993 appropriation anticipated	Î					erfeibure Pund)				ž : 13	ž : 13	2,000
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1. Research, Evaluation and Demonstration Programs.	÷	:	622,995	:	:	\$22,995	:	:	\$22,995	:	:	:
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5. Missing Children	::	: :	72,250	: :	: :	73,450 6,471	::	: :	5.971	: :	: :	-82.500
6. Mariel Oubans. 7. Crime Centrel Pressens.	: :	: :	2,500	÷	:	2,500	:	:		:	:	2,500
6. Regional Information Sharing System	: :	::	14,491	: :	::	16,41	::	::	14,491	::	::	::
10. Call Abuse Investigation and Prosecution.	::	::	1,500	::	: :	1,500	::	::	1,500	::	::	::
11. Judicial Units Acuse Itaning	3		27.219	1		31.457	:2	:3	28, 372	: 7	:5	2.015
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Criminal Justice Statistical Progress	:	:	2.8	:	:	3.2	:	Ξ	£.3	:	:	: ::	:	;	3 .3	:	:	÷
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Crime Control Programs	:	:		·	:	3	:	:	:	:	:	:	:	:	:	:	i	:
frgiant information Sharing System	:		84.1		-	3.5	:	:	11,41	:	:	14,491	:	:	19.43	:	:	:
Anti-brug Abuse Program (State and Local Assistance)																		
Discretionary grants	: :	- ; ;	**	: .	3 ^	3 = 1	::	::	**	: :	• ::	\$ §	: :	::	1 2 2 3	: :	: :	: :
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Collections by Source: State Justice Institute	÷	÷	\$150	:	:	:	:	÷	:	:	÷	:	
Constitution	s.	٥.	099	:	:	:	:	:	:	:	:	:	
Office of National Drug Control Policy	:	:	-	:	:	:	:	:	:	:	:	:	
Department of Education	:	:	3,000	:	:	\$3,000	:	:	\$2,000	:	:	-\$1,000	
Department of Health and Human Services	:	:	1,608	:	:	1,050	:	:	1,050	:	:	:	
Department of Justice	'n	~.	14,217	:	:	18,369	:	:	18,000	:	:	-369	
Department of Labor	:	:	200	:	:	200	:	:	200	:	:	:	
Department of Treasury	:	:	25	:	:	:	:	:	:	:	:	:	
Department of Transportation	:	:	140	:	:	067	:	:	700	:	:	96.	
Department of Commerce	:	:	230	:	:	250	:	:	250	:	:	:	
Department of Housing and Urban Development	1	1	2.025	1	1	2.800	1	1	2.800	1	1	1	
Budgetary Resources	-		22,856	:	:	26,459	:	:	25,000	:	:	.1,459	
Obligations by Program:													301
Research, Evaluation and Demonstration Programs	:	:	\$500	:	:	\$ \$00	:	:	\$ 500	:	:	:	
Griminal Justice Statistical Programs	:	:	:	:	:	90	:	:	8	:	:	:	
Juvenile Justice Programs	:	:	2,930	:	:	4,590	:	:	3,500	:	:	-1,090	
Crime Control	:	:	13,995	:	:	2,600	:	:	2,600	:	:	:	
Anti-Drug Abuse Program	:	:	4,887	:	:	15,250	:	:	14,950	:	:	.38	
Management and Administration	7	7	544	1	1	419	1	1	350	1	1	.62	
Total	-		22,856	:	:	26,459	:	:	25,000	:	:	-1,459	
Research, Evaluation and Demonstration Programs													
Source of Reimbuxsement:			,										
Department of Health and Human Services	: :	: :	\$200	: :	: :	\$500	: :	: :	\$500	: :	: :	: :	
Total	1 :	1 :	205	1 :	1 :	200	1 :	1 :	Š	1 :	1 :	1 :	

Goods or Services Rovided: Represents funds devoted by contributing agency for joint research projects to be administered by the National Institute of Justice.

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Office of Justice Programs Justification of Reimbursable Resources . Continued

Criminal Justice Statistical Programs

94 Remost Incress /Decress	Pos. W Amount Pos. W Amount		
timate	Pos. YX Amount		3
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tual	Pos. W Amount	1	:
992 Ac	শ্র	1	:
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ource of Reimbursement:		Department of Custics	10564

Goods or Survices Resources devoted by contributing agency for joint statistical projects to be administered by the Bureau of Justice Statistics.

Juvenile Justice Programs

Source of Reimbursement: Department of Education	:	:	\$1,000	:	:	\$3,000	÷	:	\$2,000	:	:	-\$1,000
Department of Health and Numan Services	:	:	7	:	:	420	:	:	450	:	:	:
Department of Commerce	:	:	530	:	:	250	:	:	250	:	:	:
Department of Housing and Urban Development	:	:	38	:	:	38	:	:	300	:	:	:
Department of Transportation	:	:	140	:	:	8	:	:	:	:	:	9.
Department of Labor	1	1	8	1	1	88	1	1	200	1	1	1
Total	:	:	2,930	:	:	4,590	:	:	3,500	:	:	.1,090

Goods or Sarvices Provided: Resources from Federal agencies for joint projects related to juvenile justice and delinquency prevention and administered by the Office of Juvenile Justice and Delinquency Prevention.

Justification of Dackease: The decreases raflect projects that are not expected to be of a recurring nature.

Crime Control

SOURCE of Reimburgement: Commission on the Bicentennial of the												
U.S. Constitution	:	:	\$510	:	:	:	:	:	:	:	:	
Department of Health and Human Services	:	:	286	:	:	\$600	:	:	\$600	:	:	
Department of Justice	1	1	12.822	1	1	2000	1	1	2,000	1	1	
Total	:	:	13,995	:	:	2,600	:	:	2,600	:	:	

Goods or Sarvices Provided: Resources represent grant programs administered for Commission on the Bicentennial of the U.S. Constitution and Department of Health and Human Services family violence program, as well as grant programs in the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices and the Civil Rights Division.

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Office of Justice Programs Justification of Reimbursable Resources · Continued

Anti-Drug Abuse Program

Source of Reimbursement:												
		1992 Act	Mal	199	3 Est	IMALE	٦	294 Res	Meat	Inci	Q/8885	CKEARE
	Pos.	শ্ৰ	Anount	Pos	겈	Amount	Pos	덬	Amount	Pos	겈	Anount
Department of Justice	:	:	\$950	:	:	\$12,350	:	:	\$12,050	:	:	-\$300
Department of Education	:	:	2,000	:	:	:	:	:	•	:	:	:
State Justice Institute	:	:	150	:	:	:	:	:	:	:	:	:
Department of Housing and Urban Development	:	:	1,725	:	:	2,500	:	:	2,500	:	:	:
Department of Transportation	:	:	:	:	:	007	-:	:	6	:	:	:
Department of Health and Human Services	1	1	79	1	1	1	1	1		1	1	1
Total	:	:	788,4	:	:	15,250	:	:	14,950	:	:	.300

<u>Goods or Services Frovided</u>: Resources provided by contributing agencies for joint projects related to Anti-Drug Abuse programs administered by the Bureau of Justice Assistance.

Justification of Decrease: The decrease reflects projects that are not expected to be of a recurring nature.

Management and Adminstration

Source of Relabursement:												
		992 ACE	ual	18	3 Est	nate	5	94 Reg	LEST	Inc	ease/De	Crease
	Zor.	NX Amos	Amount	Pos	덬	- WY Amount	Pos.	덬	Y Amount	Pos. MX	덬	ABOUNE
Commission on the Bicentennial of the												
U.S. Constitution	'n	s.	\$150	:	:	:	:	:		:		:
Department of Treasury	:	:	25	:	:	:	:	:		:	:	:
Office of National Drug Control Policy	:	:		:	:	:	:	:	:	:	:	:
National Institute of Corrections	:	:	-	:	:	:	:	:	:	:	:	:
Department of Justice	7	7	797	1	1	617	1	1	8320	1	1	-\$69
Total	-		244	:	:	419	:	:	320	:	:	-69

Goods or Sarvices Provided: Grant management and administration services for bicentennial Commission of the U.S. Constitution program and grant programs in the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, Givil Rights Division and Community Relations Service. Resources in 1992 and 1993 also include parking for the Department of Justice in the Office of Justice Programs Indiana Building and costs associated with Department of Justice Young American Hedal Program.

Justification of Dacrease: Costs associated with parking in the Indiana Building are not expected in 1994.

Justice Assistance Justification of Program and Parformance Activity Resource Summary (Dollars in thousands)

Increase/Decrease Perm.	Pos. WY Amount	:
Inate	Pos. WY Amount	\$22,995
4 Est	젉	:
Lline 1994 Es	Pos	:
1994 Baseline 1994 Es	Pos. YY Amount	\$22,995
	줔	:
	Pos	:
ppropriation cipated	Pos. HY Amount	\$22,995
993 Appropriated Anticipated	Ħ	:
An Perm.	Pos	:
		Description Programs

LONG-EANGE COAL: National Institute of Justice (NIJ) research and development guides the development of effective, efficient, equitable and informed criminal justice policies by determining patterns, circumstances, and causes of crime. NIJ identifies the methods of preventing and reducing crime in American society and conducts demonstrations to show programs of proven effectiveness. Through research, evaluations, demonstrations, training, technical assistance and dissemination, NIJ establishes what works and why it works in prevention, enforcement, adjudication, and intervention programs that reduce criminal activities and their consequences.

AJOR OBJECTIVES:

Reduce violent crime, drug-related crime and victimization.

Reduce the consequences of crime for neighborhoods and communities.

Improve the effectiveness of law enforcement, criminal justice, correctional and service systems' response to offenses and victimization.

Develop community, household, school, and workplace crime prevention programs.

Implement the statutory mandate requiring the National Institute of Justice to conduct program evaluations of the Bureau of Justice Assistance block and discretionary grant drug control programs.

Communicate research findings to policy officials, practitioners, and researchers through modern communication technology as well as through traditional media.

Institute of Justice is the nation's primary source of criminal justice research and development. The Institute, based upon extensive consultation with Federal agencies, State and local governments, criminal justice professional associations, and the academic research community, defines a research and evaluation agend for the criminal justice community. Within the priorities developed by the Administration, the Congress, and the Attorney General, NIJ develops and supports initiatives and programs designed to inform, assist and improve criminal justice polices and responses to the range of criminal justice issues. In addition, NIJ disseminates research findings to criminal justice officials and policy makers to aid them in deciding the most effective, efficiant and equitable responses to their crime problems. BASE PROGRAN DESCRIPTION: Authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U.S.C. 3721), the National

The Institute's approach is to coordinate initiatives that address both long-range and immediate issues related to crime raduction. Within base funds, NIJ operates research programs ranging from studies of violence and its consequences to forensics research, and drug testing, and computer crime. Approximately 75% of base resources are targeted at implementing the research and evaluation mandate of the Institute, which includes demonstration and technical assistance efforts.

that have been identified as areas of critical concern to the criminal justice community: violence reduction; anti-drug efforts; reducing the consequences of crime series of critical concern to the criminal justice communities; crime prevention; anti-drug efforts; reducing the consequences of crime for individuals, households, organizations, and communities; crime prevention; improving the effectiveness of criminal justice agencies; and the setudy and documentation of eserging crime parterns. Nul's research activity supports case studies, experiments, ethnographic research, descriptive analysas of programs and secondary analysis of data produced by NIJ-sponsored projects. Evaluation grants also have different purposes. Exceptional asserts of programs and secondary analysis of data produced by NIJ-sponsored projects. Evaluation grants also have different purposes. Exceptional answer why the program is effective; and avaluation reside to assist communities to deadin effective approaches to combat illicit drugs and reducing drug-related crime. NIJ has entablished an Evaluation Division to facilitate the Congressional mandate of the Anti-Drug Abuse Act of 1988. The mandace places the responsibility for conducting program evaluations of the BAA block and discretionary grant drug control programs with NIJ. In these evaluations, NIJ develops objective information on the value of new or promising approaches and their alternatives. Research and evaluation programs are implemented through grants, contracts, cooperative agreements and intigental projects.

To wost efficiently allocate research monies, NIJ is focusing its long-range initiatives on the analysis and explanation of violent crime. NIJ launched initiatives in 1991 to support this critical objective. The initiatives include funding multiple grants to study gang-related violence, to fully develop the community policing concept, to employ the techniques of crime prevention through environmental design, to investigate the effectiveness of corrections models, and to conduct a comprehensive review of the criminal justice response to drug-related crime. In 1993, NIJ will launch further initiatives to target violent crime. Fiscal Year 1990 and 1991 research findings are being incorporated into 1993 and 1994 efforts. For 1993 evaluation efforts, NIJ will focus on law enforcement in domestic violence cases, drug enforcement, community policing, use of force, training programs, crime and public housing, community programs, intermediate punishments, and

All information generated by the Institute is disseminated through a variety of written publications, training and technical assistance activities, conferences, and focus meetings. NJ publications include the following: Research in Brief · concise summaries presenting findings and management issues in a topic area, based on research and evaluation findings, operational experience and expert opinions: Research Ecous · highlights of current and prior institute research on issues of importance to the crisinal justice field: Program Poous · reports on case studies of innovative programs and practices; and Evaluation Bullatins · reports communicating the results of individual evaluations. NJ has nine different publication series.

NIJ expends approximately 20 percent of its funds on dissemination. Through these avenues, NIJ provides practitioners with information on research-based innovations that may be appropriate for their jurisdiction. The institute communicates to the field through the National Criminal Justice Reference Service, the principal national and international clearinghouse of information on criminal justice issues, mandated by Congress. The remaining 5% of NIJ's budget funds activities such as peer review of grant applications and printing costs.

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Iten	1881	1992	1993	7661
Program Solicitations Prepared 1/	*67	43	36	36
Policy Reports Prepared and Published	33	35	35	35
Private Science and Policy Journal Articles Derived from NIJ Research 2/	07	504	707	204
Grant Research and Evaluation Proposals Received and Reviewed	300	300	300	300
In-House Policy Research Projects Planned and Conducted	12	9	7	m
Grant Close-outs Completed 3/	09	100	2	02
Criminal Justice Data Collections Obtained	20	ဇ္	30	30
Applied Research Experiments/Demonstrations Initiated	s	9	•	•
Major Regional Workshops and National Conferences Held 4/	14	18	50	20
Conference Attendess	1,200	1,500	1,500	1,500
Number of Active Grants, Contracts, Cooperative Agreements, and Interagency Agreements	175	137	137	137
Number of Requests for Criminal Justice Information Answered by NGJRS	42,500	39,710	39,710	39,710

Re-estimate of 1991 figures based upon redesign of solicitation process in 1991.

1/ NIJ has developed a smaller number of broad solicitations in 1993.
2/ NIJ makes copies of privately published articles on research it aponsors available to criminal justice practitioners upon request.
2/ NIJ makes copies of privately published articles on research it aponsors backlog of open files.
4/ In prior years, only mational conferences were included. NIJ now convenes regional workshops - see the Professional Conference Series information in the following section.

problem of gangs and crime. To strangthen law enforcement, NIJ has commissioned six studies: A National Assessment of Law Enforcement Anti-Gang Measures protifies and estription of types and levels of police activity to suppress gangs and gang-related criminal activity. The Impact of Gang Measures protifies are reporting and strictly. The Impact of Gang Measures protifies are reporting gang activity. The Impact of angustion patterns, and relationable between gang migration form of the compatient on a not involve gangs, and vill document the magnitude of gang involvement in drug sales and violence, the proportion of crack sales to all drugs sold by gangs, and the role of ethnicity in drug marketing choices. Prosecuting Gang Crime conducts a nationalder assessment of how gang related crimes are prosecuted, including legislative strategies that may enhance prosecutions, and the description of innovative methods. Gangs in Gorrectional Pacilities examines the extent of gangs in correctional institutions, describes how these facilities manage gang activity and describes innovative strategies. The Role of Probation and Parole in Gang Control examines strategies in supervising gang members in the community, and will document programs aimed at preventing offenders from joining or kemaining in a gang.

Basic research on Gangs includes three projects. Gangs and Organized Crime examines the connections between youth gangs and organized criminal groups, especially connections to the sale of lilegal drugs, weapons and stolen property. Delinquent Networks in Miladalphia examines gang activities in Philadalphia, describing gang structures and factors that bring about individual involvement in gang crime, and the criminal justice response to individual and collective gang crime. Griminal Behavior of Gangs will interview 450 gang members in two cities to explore motivation to join, remain in or leave gangs, and the role of gang life in criminal behavior patterns.

The report provides an overview of current prevention, intervention and control research efforts and program strategies regarding youth gangs. in 1992, NIJ published a new report on gangs, Street Gangs: What They Are, and What is Donc About Them.

for the prevention and control of criminal violence. The report, <u>Undergranding and Prevanting Violence</u>, was published in November of 1992.
Findings cover alcohol, drugs and violence; violence in the home; costs and consequences of violence; incarceration patterns for violent crime; genetics and violence; and neurobiology of aggression and violence. Several other studies on violence were completed in 1992. Research on child sexual abuse found that victims of sexual abuse were as likely, but not more likely than other physically abused or neglected children to be involved in later delinquency and adult criminal behavior. A study on mental illness and violence concluded that a history of arrests (for any order of arrest records for a large sample of black and white males born in Philadelphia in 1945 and 1938 revealed that a previous arrest record for a violent crime was only slightly predictive of future arrests for violence, but that as rearrests accumulate, the propensity toward violent crime was only CRIME: Multiple Initiative - During 1990-1992, NIJ supported a National Academy of Sciences (NAS) panel on the understanding and of violent behavior. The NAS Panel conducted a rigorous evaluation of accumulated knowledge about violence and recommended strategies

COMPUNITY POLICINO: A National Implementation Effort . NIJ's Community Policing initiative is evolving from conceptual plans to programs and street-level practices. Early research has provided substantial information about: 1) the challenges police departments will face when implementing the profound changes called for in community policing (problem-oriented policing evaluation in Tulas and San Diago); 2) how workable relationships can emerge and be maintained between many citizens and community groups and the police; and 3) the impact of community policing on citizen perceptions of drug crime, fear of such crime, and the assessment of police services. One evaluation of these elements currently is being conducted in Precinct 72 by the New York Police Department.

Fiscal Year 1992 grants are coordinated through a practitioner/research working group. These grants are intended to formally develop and demonstrate the community policing models; to provide for training session on community policing, and to develop evaluation measures for community policing. In addition, NIJ is funding grants to provide technical assistance to police departments desiring to implement community policing, as well as working closely with Weed and Seed sites to implement the community policing components of the grants.

in the future, NIJ will focus community policing efforts on the actual reductions of the level of drug dealing and drug-related crime and on rigorous impact evaluations of these programs. EVALUATION OF ANTI-DADG ABUSE ACT PROGRAMS: The Anti-Drug Abuse Act of 1988 first authorized the NIJ to conduct a reasonable number of independent evaluations of the national discretionary and State formula grant programs conducted by the Bureau of Justice Assistance (BJA). Since 1989, NIJ has awarded 45 grants; including evaluations of police crackdowns, community policing, new court practices, sanctions targeted at both casual and persistent drug uses, and promising approaches to monitoring and controlling behavior of convicted offenders. Federal, State, and local law enforcement and criminal justice officials have increasingly sought guidance from NIJ for answers in developing and implementing programs to fight drug and crime. Broadly speaking, the evaluations of some projects show indications of success, while evaluations of other projects warn that project assumptions may have been missing, or that project implementation may have been flawed. Project administrators have redirected their programs on the basis of the Institute's evaluations. For example, managers of some boot camps, which offer inmeres military-style discipline and activity in lieu of incarceration, have begun to add NIJ-recommended drug counseling and work skills training to help inmates as they make the transition back to their community.

EVALUATION - INFORMING POLICE

In 1992, NIJ evaluated programs and reviewed current projects and prior models to determine how they may fully support Operation NIJ will continue to reshape and initiate programs to provide useful information to Weed and Seed Program participants. Weed and Seed.

Grackdowns: Drug enforcement operations in Detroit, Michigan have shown that crackdowns can be carried out with existing police department resources, and that these types of operations drive dealers off the street. Precautions must be taken to prevent return by dealers when the

media; slow Demand Reduction: Maricopa County (Phoenix), Arizona's Demand Reduction Program -- called "Do Drugs, Do Time." -- showed that user accountability programs can: be highly visible, highly praised by the public, and strongly supported by the private sector and the media; the length of time to recidivism among those who had contact with the treatment program; and generate significant funds. In the first two years, Maricopa County collected \$39,342 in county jail fees and another \$850,411 for the Arizona Drug Enforcement Fund. Asset Forfeiture: In 1990, Federal forfeitures totalled \$460 million. An Institute nationwide survey of asset forfeiture programs, however, found that only 37 of the 100 reporting jurisdictions seized any proceeds of illegal activities. A subsequent Institute evaluation of federally supported asset seizure programs in Prince George's County, Maryland; Colorado Springs, Colorado; and Tucson, Arizona; proved that, given adequate seed money, training, and assistance, these programs can more than pay for themselves. With \$105,000 seed money, Prince George's County and Colorado Springs collected \$224,000 and \$615,000, respectively, in forfeitures during their programs' first year. Tucson produced \$825,000 with only \$125,000 in seed money. Community-Oriented Policing: Community-oriented policing evaluations in San Diego, California; Tulsa, Oklahoma; Baltimore, Haryland; Flint, Michigan; Houston, Texas; and Newark, New Jersey; have explored how community-oriented policing strategies tan beat be implemented, the roles that citizens and community organizations play in combatting neighborhood drug problems, and means for building police-community relationships. San Diego's program showed that patrol officers can implement community-oriented policing successfully with minimal direction from supervisors and command-level staff. Survey date from Baltimore indicate that citizens perceived it was more difficult to buy drugs either in an apartment or on the street when crackdowns are followed by community-oriented policing. And notable declines took place in reported crimes of violence in areas of Oakland where police met residents by going door-to-door through the neighborhood.

Ť Expediting Processing: Expedited case management programs represent one of the more important court reforms since automated docketing. Institute has evaluated programs in three sites. In Philadelphia Court of Common Pleas, the program reduced the average number of days from arraignment to disposition by 26 percent, from 158 to 113 days. It increased the number of jail beds available for pretrial detainees by up to 400 a day. It resulted in a 42 percent decrease in jury trials and an 18 percent increase in guilty pleas, and it reduced the total criminal case inventory throughout the court by approximately 32 percent in the first year alone. In New Brunswick, New Jersey, the program improved processing times and satisfied a long standing need for a case management system that would provide quick responses to crime, especially drug crimes, and certainty in punishment

Where the court lacked an infrastructure capable of supporting the program, the policies and procedures needed for processing cases were developed and the experience was less than positive. The effort provided a valuable lesson · without a professional court administrator management-oriented judge presiding, any serious reform of the caseload management system is likely to fail.

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EVALUATION - CORRECTIONS

Boot Camps: An Institute study of shock incarceration in the United States during the period 1989 to 1991 found that the recidivism rate for boot camp graduates is not any greater than that of similar offenders serving longer sentences in prison, implying that boot camps may be a cost effective alternative to prison for some offenders. As a follow-up to the national survey, the Institute is evaluating shock incarceration programs is lorida, Georgia, Illinia, Louisiana, New York, Oklahoma, South Carolins, and Towas Presidiantry data from the Louisiana program seems to infeate that after completing their shock incarceration, offenders had fever arrests, convictions, and revocations for new crimes, although they had more revocations for technical violations than comparison groups of parolees and probationers. This is a finding that has important implications for parole and probation.

Diversion Programs: An Institute evaluation of Los Angeles County's Regimented Inmate Diversion (RID) pilot program, which is a sentencing option for selected defendants who were likely to receive lengthy jail sentences followed by probation, found that:

- o Program graduates improved their education levels. Functioning on average at the sixth grade level on arrival, program graduates improve their overall grade levels by from 1 to 2.5 years over the 90-day period. The school avarded 66 general equivalency diplomas and 9 high school diplomas to fiscal year 1991 participants.
- More than half of the inmates who were unemployed on arrival were employed or in school when exiting the RID probation period. Ninaty-two percent of all graduates who were employed on a full-time basis exited the program successfully. By comparison, 36 percent of unemployed offenders successfully completed RID.

Work Relesse: To provide a more detailed picture, the Institute is evaluating work release in the State of Washington. According to preliminary study results: nearly 70 percent of those who participate complete the program successfully; a large percentage of offenders participate in the program, but approximately 20 percent of those who apply are not accepted; and of those who are accepted, approximately percent are not placed during their sentences

Juveniles: To determine whether adjudicated juveniles who received comprehensive, intensive services fare better than those assigned to traditional programs, the Institute evaluated the Paint Greek Youth Genter in Ohio. Findings from that study show that some program participants were, to a modest degree, less likely to be involved in criminal activities I year after release from the program than their control group counterparts. The daily costs for both intensive and traditional groups were approximately equal.

Intermediate Sanctions: In 1991-1992, NIJ completed studies of a variety of intermediate sanctions and correctional programs. An evaluation of Maricopa County's (Phoenix) User Accountability program found that first-time, casual drug users who completed a program of drug treatment, drug testing, and fines had lower rearrest rates than those who did not complete or enter the program. In another study, offenders placed in an adult shock incarceration program (bootcamp) in Louisiana had fever arress, convictions, and revocations for new crimes, although they had more technical violations than comparison groups of paroless and probationers. NIJ also supported an assessment of an innovative correctional program in Georgia that houses drug users in special units and provides structured drug treatment. In 1992, NIJ-sponsored research is examining ways in which probation offices are managing increased caseloads composed largely of drug users and is testing alternative programs that may improve the effectiveness of drug testing in supervising probationers and paroless. In addition, a comprehensive study in five states is studying alternative strategies to pravent and resolve prison conflicts before they escalate into riots.

PROGRAM ON NUMAN DEVELOPMENT AND CRIMINAL BEHAVIOR: Basic Research - During 1991 and 1992, this program, jointly funded by NIJ and the John D. and Catherine T. MacArthur Foundation, completed the development and pilot work for a comprehensive study of the origins of antisocial behavior,

drug use, and criminal activity. This program of research is expected to advance knowledge on the relationship between individual traits, family and achool environments, and community characteristics as they contribute to the development of criminal behavior. The planning phase has involved at least 100 scientists from numerous perspectives including biology, psychology, sociology, and criminology. To date, the program has supported a series of workshops and pilot studies, produced two books on methodology and an accelerated longitudinal design, and developed a series of reports to provide a framework for the design of a comprehensive study of the roots of crime. The accelerated longitudinal design, featuring 9 overlapping cohorts, represents a significant advance in research methodology, and will make this knowledge available many years earlier than would be achieved through a conventional longitudinal approach. Freliminary results will be available in three years, when the study will have collected data on subjects at every age from birth to age 31. Completed pilot studies have includes a puropriate to the level and impact of father involvement with pre-school children; the development of graphological measures appropriate to the different age groups and ethnic groups in the study; studies of gender and crime; studies of the development of attitudes toward deviance between ages 11 and 18; and studies of the unfilization of services among adolescents and their parents. In 1993, NIJ will commit up to \$2 million to begin training and date collection for the initiation of the study in one site. NIJ has a standing commitment for matching funds for this study from the HacArthur Foundation.

a one-step fingerprint detection system; and producing computer sourcebooks for firearms evidence, strology evidence, fingerprint information, and trace evidence information using a hypertext format. Finally, NIJ is developing a multi-analytical technique for assessing the aging of ink on documents, so-called dating of writing inks, and developing/using electrochemical sensor technology ·· a rapid and quantitative method for detecting the presence of carbon monoxide and cyanide in adulterated food stuffs and drugs. Analysis of evidence for identification of suspects through DNA typing techniques which examine blood, hair, semen, bone, and various body fluid samples. Nil sponsored a recently completed National Academy of Sciences review of DNA research which found that DNA is a reliable test for identifying analysis. Nil supported standards for DNA testing procedures using a standard testing method called RFLP, identifying and testing a newer technology called PCR, conducting research on various environmental factors that adversely affect DNA samples, and examining methods to increase the probability that DNA identification methods are accurate, The Nil initiative on DNA coordinates university research, dederal agency, and State and local law enforcement applications - all intended to strengthen the technology and withstand court challenges. Other recently funded research in the forensic sciences and technology area floatification systems; developing and restore blurred surveillance photographs to identify a suppect; assessing computer automated ingestic intervention for horizations.

LESS-THAM-LETHAL WEAPONS (LTL): A New Technology for Police and Corrections: NIJ is continuing research to develop less-than-lethal wespon alternatives. In 1991, Congress provided an increase of \$1,700,000 over the \$242,000 provided in 1990 for continuation of the study on a less-than-lethal vespon. NIJ has undertaken a careful, in-depth analysis of the needs of the law enforcement community in this area. The objective of the program is to develop devices that do not cause significant harm but immediately incapacitate suspects who would harm others. ALI initiated chamical research in 1990 and 1991. In 1992, NIJ expanded its approach to meet the immediate demands occasioned by issues of excessive force, the community policing approach, and pressures on the Nation's correctional facilities. Pollowing numerous meetings with law enforcement practitioners. Department of Energy (DOE) and obstraent of Defense (DOD) and establishes and engineers, NIJ organized a multi-faceted approach to develop alternative control devices for use in a variety of law enforcement settings. NIJ is working with the DOE and DOD to apply a variety of technologies for use in law enforcement settings. For example, NIJ is proceeding with the evaluation and adaptation of entanglement systems, entrapment systems, value to apply range and dease. correction for chamical technologies.

jo NIJ is sypending approximately 27% of LTL funds on testing of available methods, 13% on modification of mature systems, 30% on devalopment new technologies, 3% on identification of new technologies, and 12% on legal and policy issues related to the use of these tachnologies. T balance of funds will support special risk assessment and dissemination of findings. NIJ will begin funding demonstrations to test a variety of technologies in field settings to meet the immediate demands of the law enforcement community. Technologies in the development, evaluation and modification stages will proceed in 1993 and 1994 as scheduled.

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Nation's police departments. Nij is sponsoring four independent projects: 1) A national assessment that defines the characteristics of police use of excessive force, determines and evaluates policies and procedures used to restrain the use of force, and establishes a research agenda to determine methods of reducing use of force incidences; 2) An in-depth review of literature and internal police department information that identifies the critical issues in the use of excessive force to guide both police practice and future research efforts; 3) An assessment of community attitudes; 2) establish local Police Advisory Councils; and 3) train community leaders and police to solve problems together. In 1992 psychological screening instruments for recruits and examines intervention methods used by psychologists in excessive force situations; and 4) A Messurement of the Use of Force by Police Phoenix Police Department to develop a measurement tool to assess the use of force by patrol officers during arrest situations. In 1991, MJ commenced a multi-year program on excessive force by police, an infilative that includes, for the first time, a national report on the nature and extent of police misconduct. In 1992, MJ infilated a new demonstration project in the Los Angeles Police Department that will develop strategic processes to: 1) facilitate discussion between community leaders and police to understand and 1993, WIJ is coordinating the research on police use of excessive force with the initiatives on community policing and the less-than-lethal extent, and means to control the use of force by NIJ is conducting research to determine the nature, RESEARCH ON POLICE USE OF FORCE: weapons research.

demonstration programs in Jarsay City, New Jersey; Pittaburgh, Pennsylvania; Kansas City, Missouri; San Diago, California; and Harrford, Connecticut; are still developing and testing their DMA systems identified 94 distinct drug markets, and then showed that those markets only covered 5.7 percent of the intersections and 3.8 percent of the streets of distinct drug markets, and then shown police both that informants alone do not pick the highest priority targets for drug raids and that information from citizen hotlines serves better as a measure of perceived drug dealing than as an operational enforcement tool. Prior studies indicated that police did not have information readily available to combat street-lavel drug trafficking nor did they know which tactics to smploy to counteract the growing problem of street dealers and buyers. The NIJ strategy introduced in 1989 is one that integrated police operations, computer technology, and research evaluation into a single program. The purpose was to find out what works to control the problem DRUG MARKET ANALYSIS (DMA) PROGRAM: DMA programs have established a new role for computers in the war on drugs and crime. Although of street-level drug trafficking. DRUG TESTING: NIJ's drug testing activities focus on three topics: the possible uses of drug testing in operating criminal justice agencies, the development and evaluation of testing technologies, and drug testing's value as a basic system for indicating drug use. To carry out the first drug testing objective, a study requested by Congress is undervay which uses econometric modeling to examine the implications of different approaches for increasing drug testing of arrestees and corrections oppulations. Another study examines that offers first-time offenders the opportunity to participate in drug treatment programs in lieu of incarceration to determine whether these programs will reduce causal drug use. Two other studies examine the effects of drug testing with young and adult offenders. Nil is also apporating research directed at the uses and effectiveness of drug testing in corrections. Finally, recent work on drug testing for intensive supervision programs found that technology appeared to have moved faster than some agencies' ability to use the information effectively.

NIJ is sponsoring a cross-site comparison of pretrial drug testing programs, focusing on whether drug testing information is useful in predicting pretrial misconduct. NIJ has also funded projects to test the accuracy and reliability of urine screening commonly used to detect illegal drugs in criminal justice settings. The evaluation found that urinalysis technologies were likely to result in false negative results about 20 percent of the time, but they rarely led to false positive results.

DRUG USE FORECASTING PROCRAM: Established in 1987, NIJ's Drug Use Forecasting Program is a unique program in that it uses both drug test results (through urinalysis) and self-report interview information to track the levels and types of drugs used by booked arrestees in 24 urban centers throughout the country. NIJ analyzes the date and publishes quarterly and annual reports. Local DNF jurisdictions use the findings to plan and implement drug prevention, enforcement, and treatment programs. For example, DNF results led to the establishment of pretrial drug testing programs in New Orleans and Chicago; DUF findings in Chicago and Portland, Oregon, simulated State-funded DUF replications in auburban and trual counties. DUF data are also widely used at the Federal level to obtain a more complete picture of total drug corsumption patterns in the U.S. DUF findings were a major information source for ONDCP's commissioned paper on heavy cocaine use and for the ONDCP Technical Report, What America's Useria Spend on lilegal Drugs. NIJ coordinates the program with NIDA, DEA, State and local criminal justice agencies and professional organizations in the field.

NIJ has pioneered hair analysis as a less intrusive, more accurate means for detecting illegal drug use. Because longer term drug use can be detected using hair, analysis, it may be a cost effective means for monitoring offenders on probation and parole. NIJ funded a demonstration program on the use of Hair Analysis to monitor drug use for offenders on probation and parole in 1992.

In 1992, NJJ funded demonstration projects to integrate more fully the use of DUF data and hair teving to inform local criminal justice and treatment policy and parties. In 1991, NJJ will commit \$1.7 million of its base funds for continued support of this program.

This program supports a broad spectrum of research directed toward reducing illegal drug use and the crime associated with such use. During 1991-1992, efforts have included a major analysis and assessment of drug treatment programs at different points in the criminal justice system; research on innovative sanctions for drug-related offenses such as suspension of drivers' licenses, and examination of arrestee urinalysis results to predict or forecast community drug problems. In 1992, studies were funded on criminal justice drug treatment programs for female offenders and the impact of State and local drug laws on both drug abuse and related crime. Completed research on multi-indicator methods for estimating the number of individuals using different types of drugs at the State and local level served as the basis for joint NIJ-NIDA conference on prevalence estimation techniques. DRUG PREVENTION PROGRAM:

The demonstration program in this priority area, School Managenont and Resource Teams (SMART), which is jointly funded by NIJ and the Department of Education, focuses on establishing safe, drug-free schools. SMART analyzes school district policies regarding drugs, crime, discipline, and safety. With the help of automated incident profiles, SMART uses resource teams to design and implement prevention and intervention strategies. Another joint NIJ/Department of Education project addresses computer crime prevention. This project develops a model policy for technology ethics to be taught in school curriculums NIJ and the National Institute on Drug Abuse (NIDA) are supporting a joint research demonstration on AIDS/HIV Education in Lockups and Booking Facilities, targeted at providing prevention education and referral to drug treatment to drug-involved arrestees who are held briefly in booking facilities and then released back into the community until trial. Results of the multi-site, three-year project will be available in 1993. In a partnership with the private sector, NIJ and the Pew Charitable Trust are co-funding a study of drug abuse prevention in the inner-city.

environmental design to determine profit in the sort of comprehensive attack on neighborhood problems and enhancement of community security. Three research projects were funded under this initiative in 1991. One project identifies early indicators that a neighborhood is beginning to suffer the decay that ulvimmerly leads to crime and accidal disorganization. It also identifies and examines examples where communities have been able to arrest and reverse the process of decay. The products of this research will assist the process of officials to determine what communities may be in danger of decay, and will indicate what actions have proved useful to resist the process of community decay. <u>Current Practice in Designing Crime-Free Environments</u>, a second project, searches out and examines examples of crime CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN: The National Institute of Justice is conducting research on crime prevention through

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prevention through environmental design that have not been written about and included in available data bases. The examples may be from either the public or private sectors. The third project, being completed by the American Institute of Architects, develops networks among the many components of the building industry (designers, engineers, contractors, developers, comers, regulators, security consultants, etc.) who have an interest in crime prevention in the building environment, or whose practices or work affects safety from crime in the built environment. These notworks will help determine the need for crime prevention information in urban planning and design. VICTIMS OF CRIME: The NIJ Victims program examines the causes and effects of victimization, victim needs, and services provided to victims of crime. Recently completed studies include the following: A recent study examined the relationship between the routine activities of adolescents and their risk of assault or robbery victimization and concluded that youths who engage in delinquent activities also experience the most victimization. An intramural study of percent concluded fraud found that 60 percent of respondents reported one or more attempts of such fraud vithin their lifetime, and 30 percent reported such attempts within the past year. About half of these attempts were successful. The estimated annual dollar loss from personal criminal fraud exceeds 40 billion dollars. Another intramural study on residential burglary found that burglars operating in low-income neighborhoods were more likely to persist and overcome resistance to entry than they were in other higher income neighborhoods, where attempts were more common. The presence or absence of home protection and security factors did not affect the likelihood of forced entry. In 1992 and 1993, NiJ studies will explore the factors that influence the utilization of victim assistance programs by low-income and minority victims and victimiselion of organizations within communities in 1993.

PROSECUTION AND ADJUDICATION: NIJ continues to sponsor research to address the needs of both prosecutors and court officials. Recently completed studies include a field experiment in Phoenix in which police and prosecutors cooperated to identify career offenders who were still on the street and collaborated to strengthen the cases against those offenders following arrest. The study found that this approach resulted in longer prison terms for these serious offenders, with targeted offenders' prison terms averaging 18 months longer then those of the offenders in What strategies help prosecutors and the courts to identify, prosecute and sentence drug offenders involved in complex cases? What kinds of sentences are appropriate for these offenders? A recently completed analysis of local prosecutors' responses to heavy drug caseloads found that, despite huge increases in the number of felony drug arrests, the rates of felony convictions and prison increased the opposite of what had occurred two decades ago when street crime increased but prison population went down). Between 1962 and 1987, in four jurisdictions studied, the chances of a defendant arrested on a felony drug charge ending up in prison roughly doubled. In addition, progressive prosecutors instituted comprehensive, multi-agency strategies, including education and prevention efforts. In 1992 and 1993, NIJ stoled supposite to comprehensive and accordance of a management practices for these cases in selected juridiaticions. NIJ will also commission a new study to track child abuse cases that are processed through the criainal justice system, and a study to examine the risk of early drug abuse in abused children. the control group. NIJ has also commissioned a number of studies that address the prosecution of complex drug cases. These studies will address the following questions: Which cases exceed the resource capacities of State and local prosecutors and require Federal prosecution?

regulatory and law enforcement strategies for controlling them. A joint project is underway with the SEC to examine securities fraud. During 1991-1992, NIJ funded studies on insurance fraud, which will increase our understanding of these crises and enhance prevention and control strategies. Studies of organized crise have focused on the use of a RICO trusteship with local labor unions to control organized crise involvement in labor relations; the special characteristics of Asian organized crise groups; and the structure and operations of other organized criminal networks. This focus of this work is to develop more effective legislative, regulatory, and criminal justice strategies to control WHITE COLLAR AND ORGANIZED CRIME: NIJ has developed special research programs to improve the prevention, detection, and control of various white collar crimes. A study of savings and loan frauds is assessing the conditions that facilitate these crimes and identifying useful these illegal enterprises.

the field. Accomplishments include the first study conducted of local prosecution of environmental crime; an analysis of State laws, polities and practices in victim coapensation; case studies on the Texas program of offender fees to defray correctional costs and the Dade County drug court; a report for judges on both new case law and research on dealing with child victims in adult criminal court and techniques for minimizing the trauma to the child; a handbook for law enforcement on police investigation of child abuse cases; a study on the use of day fines as a intermediate sanction in New York and Wisconsin; and a synthesis of recent research on street gangs and on gang enforcement and prevention professionals incorporate research findings in their own operations and to examine emerging problems and practices in areas where little or no prior research or experience exists. Research application topics cover all aspects of the criminal justice system, and researchers and practicioners from a wide variety of disciplines are involved in project development to ensure that final products are relevant and useful to programs throughout the country. Current efforts include a study of violence prevention programs, research on responses to violusions of This program supports applied research projects designed to help policymakers and criminal justice probation and parole, and an analysis of pretrial drug testing programs. DATA RESOURCES PROGRAM: NIJ's Data Resources Program prepares and documents criminal justice data produced by NIJ-sponsored researches. The prepared data and documentation are deposited with the National Archive of Criminal Justice Data (NACJD) operated by the Inter-University Consortium for Political and Social Research. Researchers routinely access these data files to validate reported findings, investigate issues of importance to criminal justice policy and practice, and compare results from alternative studies. During 1991-92, more than twenty-five data socks were added to NIJ's collection at NACJD, including data from studies of drug testing, community policing, and police intervention in domestic violence. Data from the NIJ's Drug Use Forecasting Project were also archived for the years 1987-1990. PROFESSIONAL CONFERENCE SERIES: This NIJ program sponsors national conferences, regional workshops, and other types of workshops and meetings related to the development and dissemination of criminal justice research and evaluation information. During 1992, NIJ sponsored three national conferences for a total of 650 attendees on: Asian Organized Crime: Evaluating Drug Program Initiatives; and Arned Criminals and Violent Gangs. In addition, NIJ increased its emphasis on workshops, either regionally held or in connection with professional association national conventions. A total of 15 workshops for approximately 850 attendees were held on: Drug Testing in the Criminal Justice System; Intermediate Sanctions; and Planning and Financing Corrections Construction. For 1993, another three national conferences and a total of 20 workshops are being planned.

NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (NCJRS): The Institute operates NCJRS, the largest national and international information center on criminal justice policy and issues. During 1992, NCJRS responded to over 39,000 requests for information, added over 6,000 documents to its library and database, and distributed over 2,500,000 publications on behalf of the OJP bureaus. The NCJRS electronic bulletin board has approximately 4,000 registered domestic and international users and 500 to 400 of those users call in at least once a month. There are 91 international boarding Partners representing 43 countries that provide NCJRS with foreign criminological information. NJ also generated \$325,000 operating the Pee Por Service program. Those montes are used to offset operating expenses. In 1992, NJJ undertook a major management and technological review of this contract to ensure that cost-effective techniques are being used to disseninate information to State local practitioners, policymakers and researchers.

construction information exchange: Since 1986, Nil has provided assistance to State and local authorities seeking to expand their correctional capacity in cost-effective ways. The Construction information Exchange provides access to the latest concepts and techniques in financing, designing, renovating and constructing new facilities. The Exchange Data Base collects information on facilities which are currently being designed and constructed throughout the country. Hore than 160 data are information on than 250 facilities which have been completed. In 1992, as many as 800 new projects completed since 1985 will be added to the data base. The National Directory of Corrections Construction is a bound volume of information on each facility included in the data base. A new edition of the Directory will be published to continue to update the available information. NIJ also publishes Construction Bulletins to present case studies of successful corrections

FUBLICATIONS: During 1992, NIJ produced 35 new documents on criminal justice issues. Included in this total were reports dealing with victims issues, such as compensating victims of crime, child victims in the criminal justice system, and techniques for interviewing children.

Compensating Crimy Victims: A Summary of Policies and Practices systematically reviews State efforts to dovelop and provide crime victims compensation services and to comply with the Victims of Crime Act (VOCA) mandates. When the Victim is A Child. 2nd edition describes advances in the field of investigation and prosection of child sexual abuse. Discussions of emerging issues such as children's memories, their ability to withstand suggestive questioning, their credibility as vitnesses and their emotions to the adjudication process are also

Two reports published in close cooperation with other institutions were issued. The <u>Ethical Use of Information Technologies in Education</u> was published in cooperation with the U.S. Department of Education. This documents explains that education is the way to prevent computer crime. it outlines a model computer policy on technology ethics. NIJ teamed with the Police Foundation to produce <u>Modern Policing and the Control of Illeral Drues.</u> The document provides an overview of how to large police departments confronted drug trafficking and related crime in their jurisdictions by using special task forces for identifying and targeting traffickers and employing, to a limited extent, concepts of community policing.

<u>Drug Use Forecesting</u> quarterly reports continued in 1992. Other drug-related documents produced included an analysis of urinalysis technologies, which is currently used in criminal justice, and a report on combating street level drug trafficking.

A <u>Regratch in Brief</u> on inmate work programs shoved that such programs were feasible in jails as well as in prison settings. Other Research in Briefs included one written by Delaware Governor Michael Castle on alternative sentencing, and another on State computer crime statutes. Others released in 1992 and early 1993 address international money laundering; the police, drugs, and public housing; community policing in Seattle; and intensive probation supervision.

In 1992, Nij developed two new document series to respond to the Committee Appropriations Conference Report accompanying the 1992 appropriation bill regarding Nij's dissemination of information and results: Program Focus · case studies of promising or innovative criminal justice programs, and Research Focus · reviews of recent and prior institute work in areas of critical interest to criminal justice officials.

TECHNICAL ASSISTANCE: NIJ has continued to sponsor capacity building conferencing events on priority topics such as intermediate Punishments Sentencing Options and Private Sector Prison industries. Regional workshops on Drug Testing in the Griminal Justice System and on Private Sector Jail industries have also been supported with NIJ funds.

÷ TECHNOLOGY PROGRAM: In 1992, TAPIC has produced and disseminated bulletins presenting information on DNA technology and new technology for detection of impaired drivers.

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				ity: Griminal Justice	tistical Programs

LONG.RANGE COAL: To assist policy and decision-makers at the Federal, State, and local levels of government by providing for the collection, analysis, publication, and dissemination of comprehensive and accurate statistical information concerning crime and the operation of this Nation's justice systems.

MAJOR OBJECTIVES

To collect, analyze, publish, and disseminate statistical information on crime and the operation of justice systems to the President, the Congress, the Department, State and local executives and officials, the media, and the public.

To maintain and develop an analytic program that will address the implications of national justice statistics for Administration and Departmental policy and legislative initiatives.

recommend mational and international standards for justice statistics and to ensure the interstate comparability, reliability, and validity To recommend increased of justice statistics.

To conduct, support, and implement recommendations to improve the quality of justice statistics, records, and information systems.

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data.

of their criminal justice programs. In meeting its statutory charter, BSS maintains 24 core statistical series, including the National Crime Victimization Survey, Expenditure and Employment Series, National Judicial Reporting Program, Offender-Based Transaction Statistics, Law Enforcement Management and Administrative Statistics, Pretrial Release Statistics, National Recidivism Reports, National Prisoner Statistics, National Corrections Reporting Program, Annual Jail Survey, National Parole art Probation Statistics, Quinquennial Jail Inmate Survey, Quinquennial Jail Inmate Survey, Quinquennial Prison Gensus, and Quinquennial Prison Inmate Survey, BJS also publishes a regular series of bulletins and special reports that disseminate data from the series. information on crime and the operation of the justice system to the President, the Congress, the Judiciary, State and local governments, the general public, and the media. Additionally, BJS supports the developing capacity of State and local governments to use data as a cornerstone The Bureau of Justice Statistics (BJS) is an independent and objective national center that provides basic BASE PROGRAM DESCRIPTION:

The National Crime Victimization Survey (NCVS), the largest BJS series, is the Nation's primary source of information on crime victimization and the second largest survey conducted by the Federal Government. During a collection year, a nationally representative sample of roughly 50,000 households, comprising more than 100,000 persons, are interviewed by representatives of the Bureau of the Census in order to obtain data on the impact, frequency, and consequences of criminal victimization in the United States. The NCVS series produces annual

estimates of the amount of crime against persons and experienced in households, rates of victimization, and special reports on topical issues such as teenage victims, handgun crime victims, and the impact of particular crimes, i.e., rape, robbery, and burglary.

supervision; (4) annual counts and characteristics of persons sentenced to death; and (5) quinquennial surveys of national samples of prison and corrections statistics program provides systematic information on correctional populations and facilities gathered from Federal, State, and local governments, and covers the major sub-units of the corrections system -- probation, jails, prisons, and parole. The overall program consists of five components: (1) annual counts and characteristics of persons entering or exiting probation and parole; (2) annual National Prisoner Statistics; (3) annual statistics on persons admitted or released from State and Federal prisons and on persons released from parole Jail inmates and censuses of State and local correctional facilities. The Bureau's prosecution and adjudication statistical program provides researchers and policymaking officials with representative statistics on felony prosecution, criminal defense, and felony court caseload. A major part of the adjudication statistical serites is the National Judicial Reporting Program (NARP). This program provides national data on judicial sentencing practices for persons convicted a felony in State trial courts, including the number and characteristics of convicted felons, the crimes for which they have been convicted, and the range of sentences they receive.

States and collects data relating to the pretrial status of persons charged with felonies. Under the Law Enforcement Management and Administration Statistics (LEMAS) program, all State law enforcement departments and a stratified sample of local agencies are surveyed every 3 years. Data collected include: the number and characteristics of personnel, salary levels, education and training requirements, expenditures, number and types of vehicles, types of special units, and agency policies. The National Pretrial Reporting Program (NPRP) gathers pretrial related information on arrest of fense, prior criminal record, type of pretrial release, failure to appear in court, rearrests while on pretrial release, disposition, and sentencing. These data are currently being collected from a representative sample of the 75 largest counties in the The BJS law enforcement and pretrial statistical program provides nationally representative data on the law enforcement agencies in the United United States which accounts for approximately half the Nation's crime.

Federal offenders. The data, which are collected from the Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, Bureau of Prisons, and Parole Commission, are linked to a common database which permits the analysis of offenders as they progress through the system. Reports addressing specific laws, conviction criminal sentences and issues are released, as well as a compendium of data describing activity at The BJS Federal Statistics program collects and analyzes data describing the prosecution, adjudication, sentencing, and correctional status of the national and district levels during a given year.

mandate of BJS is to support States and local governments in the accurate and timely collection, aggregation, and analysis of State and local criminal justice data. This objective is accomplished primarily through the support of State Statistical Analysis Centers (SACs). SACs analyze and disseminate statistical information, coordinate State criminal justice statistical activities among State, county, and city agencies, and provide improved State data for BJS analyses. Through Federal funding over the years, BJS has created SACs in every State, the District of Columbia, and three Territories and has supported the development of approximately 45 State-level UCR systems. In 1992, there were 48 active Most criminal justice activities in the Nation take place at the State and local levels of government. A primary objective and legislative

			ŭ	Estimate
Lten	1991	1992	1993	1994
Major statistical series perennially maintained	20	σ.	6	6
Major statistical series intermittently maintained	٣	4	m	•
Other special data collections.	e	-	:	:
Statistical and related reports prepared for BJS by grantees and contractors and				
published by BJS	11	57	70	20
State statistical projects supported	93	11	9	09
Number of calls to computerized Bulletin Board	009'6	13,830	15,500	17,500
Number of requests for data sets and documentation filled by criminal justice				
data srchives	1,900	1,700	1,900	2,000
Number of information and technical assistance requests filled under BJS supported				
programs	430	525	260	295
Number of mail requests for data and reports filled by the Bureau of Justice				
Statistics Clearinghouses	79,837	88,900	000'66	102,100

BJS has reassessed the workloads for statistical publications and dissemination reflected in the 1993 President's budget request. The data have been updated to more accurately reflect those activities being conducted in 1992 and 1993.

In 1992, BJS published 57 reports, tomes, data releases, and user guides. These reports included twelve Bulletins, which present in a nontechnical format the latest statistics from BJS' data series on particular aspects of crime or the administration of justice; seven Special Reports, also written in a noncechnical language, which provide data on a topic of current public interest and policy debate; and one Technical Bulletin; specifically designed for the justice professional and academic audience. The BJS National Update, released quarterly, provides summary information or recent BJS activities and reports. BJS Bulletins and Special Reports are generally accompanied by press releases that are given considerable and prominent coverage in the Nation's electronic and print media. BJS reports are also frequently discussed in the editorial columns of American newspapers.

The BJS Corrections Statistics program maintains ten statistical series, from which an average of 14 to 16 reports are published per year. Recent Bulletins and Special Reports include: Capical Punishment, 1991 provides detailed information on the characteristics of convicted offenders receiving a death sentence; Jall Innates, 1991 presents findings from the Annual Survey of Jalls, providing estimates of the country's jail innate population; Drug Enforcement and Treatment in Prisons examines how state and Federal correctionant facilities seak to stop the entry and use of illegal drugs; Drum Briving, 1989 analyzes recent trends in arrests for driving under the influence of alcohol or other intoxicants (DUI) and examines the characteristics of persons confined in local jails charged with this offense: Prisoners in 1991 presents the counts of In collecting and reporting statistics on corrections since 1850 and presents basic statistics on prison facilities, prison staffs, and immates. Data obtained from the 1991 Quinquennial Survey of State Prison Innates is currently being analyzed with published findings expected in early spring 1993. The first BJS-sponsored nationwide census of probation and parole agencies has recently been completed. It is designed to collect detailed information including agency staffing and expenditures, caseload size and classification, and drug-testing and treatment for staff and offenders under conditional supervision in the community. the Nation's prisoners at the end of the year; and Prisons and Prisoners in the United States describes the activities of the Federal Government

The National Crime Victimization Survey (NCVS) Program initiated several efforts designed to improve NCVS measurement of rape and other sexual assaults. At the request of BJS, the American Statistical Association's (ASA) Committee on Law and Justice Statistics established a Study Group on Estimating Rape Victimization. The Study Group, working closely with BJS and Census Bureau staff, examined the strengths and limitations of the measurement of rape by NCVS and made recommendations on obtaining more detailed information on the incidence and characteristics of rape victimizations. In July 1993, BJS will be fuily implementing a new questionnaire designed to improve the respondents' ability to recall crimes, especially in cases of sensitive crimes, such as family violence and rape. Using data collected and analyzed from the NCVS program, rates of victimization in the U.S. and indications of crime in the Nation's households are published annually. The most current rates are reported in Criminal Victimization, 1991 and Crime in the Nation's Households, 1991. Additional reports and tomes recently published include: Criminal Victimization in the U.S., 1973-1990 Trends; Crime Victimization in City, Suburban, and Rural Areas; and Elderly Grime.

persons convicted of a felony in State courts during 1988 and 1990. The BJS tome, National Judicial Reporting Program, 1988, presents detailed findings, primarily in a tabular format, on characteristics of felons sentenced to State courts and the felony process in State courts. Additionally, BJS will soon release Nurder Defendants in the 75 Largest Counties, 1988 and Felony Santencing in State Courts, 1990. BJS is currently completing the data collection phase of the 1992 National Prosecutors Survey, which has become a regular biennial sories. BJS recently published Prosecutors in State Courts, 1990 describing prosecutorial practices and policies of a nationally-representative sample of Under the National Judicial Reporting Program (NJRP), BJS is currently analyzing and preparing data on the judicial sentencing practices for 290 local chief prosecutors.

presents information collected from State and local law enforcement agencies with primary drug enforcement responsibilities, including types of illegal drugs seized, operation of special drug units, multi-agency task force participation, and receipts from drug asset forfeiture programs. In addition, BJS released Law Enforcement Hanagement and Administrative Statistics: Data for Individual Agencies with 100 or Hore Officers. The Law Enforcement Management and Administrative Statistics (LEMAS) program released companion Bulletins State and Local Police Departments, 1990 and Sheriff's Departments, 1990. These reports present findings from the 1990 LEMAS survey on personnel, training, agency functions, expenditures and salaries, 911 emergency system participation, recommended sidearms, computer use, policies about personal atmor and law enforcement issues, and special programs. The special report, Drug Enforcement by Police and Sheriffs' Departments, released in May 1992,

Conference on Improving the Quality of Criminal History Records; Attorney General's Program for Improving the Nation's Criminal History Records: BJS Implementation Status Report; and Criminal History Record Information: Compendium of State Privacy and Security Legislation. BJS also participated in efforts to provide State representatives with instruction in methods for auditing accuracy and completeness of State repository information. In coordination with the Bureau of Justice Assistance (BJA), BJS planned four regional workshops on auditing State criminal history record information held during the summer of 1992. Additionally, BJS published the Audit Guide for Assessing the Completeness and During 1992, major efforts were undertaken in support of the Attorney General's program to improve the quality of criminal history records. Several reports that address data quality issues were released including, Criminal History Record Disposition Reporting: Findings and Strategies (Fact Sheet); Report of the National Task Force on Criminal History Record Disposition Reporting; Proceedings of the National Accuracy of Criminal History Records.

Fiscal Year 1992 represents the third year of the Criminal History Record Improvement (CHRI) Program in which BJS supports the States in the enhancement of their criminal history record systems. This 3-year, \$27 million effort is funded by the Bureau of Justice Assistance and administered by BJS. The CHRI Program provides funding to State governments to make systemic improvements in the quality and timaliness of State criminal history record information nationwide, with particular emphasis on improving disposition reporting to the State's central respository. The Attorney General's decision of November 20, 1989, to improve the Nation's criminal history records has been universally accepted by the States, with all 50 States, the District of Columbia, and 2 territories receiving funding under the CHRI program.

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Activity: Emergency Assistance.....

The Federal Justice Statistics program provided annual data on workload, activities, and outcomes associated with Federal criminal processing of released Compendium of Federal Statistics, 1989, the fifth in a series of annual compendia, which describes all stages of Federal case processing at both the national and district court level. BJS also published Federal Criminal Case Processing, 1980 - 1990, presenting trend information on the processing of cases in the Federal criminal justice system for the years 1980 and 1985 - 1990. The data describe initial prosecution decisions, referrals to magistrates, court dispositions, sentencing outcomes, length of sentences imposed, and length of time served cases. The series covers all steps in the process, beginning with the number of suspects investigated, the prosecution, adjudication, and sentencing of defendants, and concluding with detailed information on the types and durations of sanctions received and served. In 1992, BJS

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ដ To provide necessary financial and/or other assistance to State and local governments that require such assistance adequately respond to law enforcement emergencies.

MAJOR OBJECTIVES:

To approve or deny a State's application for Emergency Federal Law Enforcement Assistance no later than 10 days after receiving such application.

To ensure that once an application for assistance is approved, the assistance is rendered without delay.

Assistance (EPLEA) Program. Natural disasters and crime epidemics strike States and localities arbitrarily and without warning, often exceeding the capacity of law enforcement resources to protect life and property, and to enforce the law. It is clear from the authorizing legislation and its legislative history that certain situations are viewed as appropriate for EPLEA. Equally clear is the firm intention to avoid unnecessary Federal involvement or intervention in matters that are primarily of State and local concern. To this end, the Anti-Drug Abuse Act excludes assistance for planning or other activities related to crowd control for general public safety projects and assistance for a situation requiring the enforcement of laws associated with scheduled public events. Thus, the high law enforcement costs associated with political The Comprehensive Crime Control Act of 1984 (42 U.S.C. 10501 et. seq.) created the Emergency Federal Law Enforcement conventions and international sporting events should be borne by the localities that sought the events. BASE PROGRAM DESCRIPTION:

The Act authorizes the Attorney General to approve or deny EFLEA applications, which must be submitted by State chief executive officers, and requires consultation with the Director of the Bureau of Justice Assistance and the Assistant Attorney General, Office of Justice Programs. Should other than financial assistance be required, the Attorney General may also consult with members of the Federal law enforcement community, such as the FBI. Other assistance can include equipment, training, intelligence information and personnel.

temporary office staffed by State and civilian personnel to coordinate law enforcement resources within 29 counties declared a Federal Disaster Area due to major flooding. In 1989, Hurricane Hugo and the San Francisco Earthquake resources within 29 counties declared a Disaster Area due to major flooding. In 1989, Hurricane Hugo and the San Francisco earthquake resource within 29 counties declared by 64,001,274 was awarded South Carolina, Puerro Rico and the Virgin Islands to assist law enforcement in its response to Hurricane Hugo and \$4,001,274 was awarded California for the san Francisco earthquake. Of the amount awarded to California, \$4,124,832 was later deobligated because funding for most expenses was duplicated by the Federal Emergency Hanagement Agency (EEMA). In September and November 1990. Florida received two grants totalling \$1,141,639 to help fund its multi-agency Gainesville Homicide Task Force, which was investigating the serial murders of five college students. In 1991, two States received assistance. The State of Indiana received \$43,000 in February 1991 to help fund a multi-agency Shotgun Hurders Fask Force, which was investigating 30 church fires set by a serial arsonist in the Gainesville, Ocala, Jacksonville area of Florida. California was awarded \$3,000,000 in May of 1992, to assist with paying overtime of local law enforcement agencies that responded to the Los Angeles riots. In August 1992, Hurricane Andrew struck Florida and Louisiana, causing widespread devastation. As a result, a grant of \$1,000,000 was awarded an award of \$600,000 to pay for law enforcement overtime and to replace equipment lost during the hurricane, and Louisiana received an award of \$600,000 to pay for law enforcement overtime and to replace equipment lost during the hurricane, and Louisiana area of Education. The State received \$56,677 for a ACCOMPLISHMENIS AND WORKLOAD: From 1984 until 1987 only the State of West Virginia requested assistance.

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			ros.	i i	Amount	ros.	Z.	ros. WY Amount	ros.	Ħ	Fos. WI Amount	ros.	Ħ	FOS. WI AMOUNT
ncy: on	Activity: Juvenile Justice Programs	rrograms	:	:	\$12,250	:	:	9/3,450	:	:	4/3,400	:	:	:

LONG-RANGE GOAL: To aid in the prevention, reduction, and treatment of juvenile crime and delinquency and to improve the administration of juvenile justice by providing financial and technical support to State and local units of government, public and private agencies, organizations and institutions.

MAJOR OBJECTIVES:

To facilitate, through provision of technical/financial resources and national leadership: a. Full compliance with the requirement that status offenders and non offenders not be held in secure detention and correctional facilities. b. Separation of juveniles found to be delinquent, or status offenders, from adult persons incarcerated for criminal offenses in secure

facilities

Removal of juveniles held in adult jails and lockups in all States and territories that participate in the JJDP Program.

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- Development and maintenance of compliance monitoring systems as required by Section 223(a)(15) of the Act for purposes of supporting maintenance of compliance with the deinstitutionalization, separation and jail removal requirements.
 - Compliance with the mandate that participating States address the overrepresentation of minority youth in secure facilities.

To conduct research that can be applied to the development of programs for preventing and controlling juvenile delinquency and illegal drug use and improving the juvenile justice system.

develop, demonstrate, and dissemenate information on prevention and treatment programs relating to juvenile gangs and drug abuse and drug

To develop and test program models based on a synthesis of research and field experience for preventing and controlling juvenile delinquency and illegal drug use and improving the juvenile justice system.

To demonstrate existing programs for preventing and controlling juvenile delinquency and illegal drug use that are determined to be effective in a variety of jurisdictions.

clea .nghouse activities.

To provide for auditing State monitoring compliance systems and to oversee required corrective actions.

To disseminate information produced by research, development, and demonstration activities through training, technical assistance, and

To provide technical assistance to State and local governments, and other service providers, in the development and implementation of programs related to deinstitution: ilzation, separation, jail removal, disproportionate minority confinement, juvenile delinquency and other programs to improve the juvenile justice system.

Prevention. This program provides funds to States on the basis of population under the age of 18. To receive its allocated funds, a State or territory must submit a three year comprehensive plan that meets statutory criteria. Funds may be expended for innovative programs to prevent delinquency divert juveniles from the system, provide community-based alternatives to secure confinement, and to provide provide programs for juveniles who commit serious crimes. In 1992, 56 States and Territories participated in the program. Under the 1992 amendments to the JJDP Act. beginning with fiscal year 1994, States must demonstrate compliance with the deinstitutionalization, separation, jail removal, and minority overrepresentation requirements in order to qualify for their formula grant program allocation. Failure to comply with these requirements will BASE PROGRAM DESCRIPTION: The Formula Grant Program represents 70% of the total amount appropriated f.yr Juvenile Justice and Delinquency result in a 25 percent reduction in a State's allocation for each such failure.

The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), within the OJJDP, conducts research and program development activities to increase understanding of the risk factors for delinquency and the effects of alternative juvenile justice policies. This information is applied to the development of promising program models, through joint initiatives with the Special Emphasis program. The NIJJDP also serves as an information collection and dissemination center for the Office. Information on juvenile delinquency, promising programs, and innovative juvenile justice policies and procedures are disseminated through clearinghouse, training, and technical assistance activities. New program devolopment efforts funded by the Special Emphasis Division address a wide range of national juvenile justice issues by developing and testing prototypes and demonstrating effective programs. Program information generated throughout the development process is disseminated to the field. Competiti awards are made to support comprehensive planning and program development in many areas impacting on high risk youth,

as well as violent juvenile offenders. The design and implementation of these new efforts are coordinated with NIJJDP and the State Relations and Assistance Division.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), through the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates and concentrates Federal resources on the problems of delinquency and the operations of the juvenile justice system. This includes the development of Federal youth policy and joint programs to target high risk youth.

ACCOMPLISHMENTS AND WORKLOAD: The following table represents accomplishments of the Juvenile Justice Programs.

			CSL	CS. I mare
Item	1991	1992	1993	1994
State and Territories participating in Formula grant program.	56	95	57	57
States in full compliance with deinstitutionalization provisions	20	53	24	54
States in compliance with separation requirements	. 04	51	52	52
States in compliance or qualified for waiver with jail removal.	77	53	75	* 75
States and Territories With monitoring systems	99	99	26	95
Juvenile iustice special emphasis grants awarded	30	31	31	31
National Institute of Juvenile Justice grants awarded	27	56	27	27
Prevention and treatment programs relating to juvenile gangs and drug abuse and				
drug trafficking.	13	19	18	18
Inter agency agreements entered into	9	7	3	٣
Information/dissemination projects.	-	2	2	2

* Subject to change based on the elimination of the waiver provision beginning in fiscal year 1994.

Since enactment of the Juvenile Justice and Delinquency Prevention Act of 1974, the provision of Federal technical and financial resources has enabled participating States to undertake a number of system-wide improvements. The Formula Grants Program has had a significant impact on rates of incarceration throughout the United States. Since 1979, the number of violations of the statutory mandate of deinstitutionalization of status offenders and non-offenders has been reduced from 188,007 to 4,442 among the participating States, a 95% reduction. Fifty-three of the States participating in the program have achieved full compliance with the statutory mandate to deinstitutionalize status offenders and non-

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1993 Appropriation 1994 Baseline 1994 Estimate Increase/De	Perm.	Pos. WY	:
Nappropriation 1994 Baseline 1994 Estimate Anticipated need need need to be n		Pos WY Amount	\$5,971
4 Estim		Ġ.	:
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ine		Pos. WY Amount	\$8,471
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riation		Pos. WY Amount	\$8,471
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			Activity: Missing Children

<u>ΙΟΝΟ-ΚΑΝΙΘΕ, GOAL</u>: To reduce the incidence of crimes against children, particularly kidnapping and sexual exploitation, and to improve the criminal justice, social services and treatment systems that are responsible for dealing with these crimes when they occur.

MAJOR OBJECTIVES

To ensure that there is effective coordination among all Federally funded programs related to missing children.

To establish and maintain a national resource center and clearinghouse to:

- legal, restaurant, lodging, and transportation services available to benefit missing children and their families; and information on Federal programs available to assist missing children and their families; provide to State and local governments, public and private non-profit agencies, and individuals information regarding free or low cost

 - coordinate public and private programs that locate and recover missing children; nat legislation; and nationate information on innovative missing childrens' programs, services, and legislation; and provide technical assistance and training to law enforcement agencies, State and local governments, private non-profit agencies, and individuals in the prevention, investigation, prosecution and treatment of the missing or exploited child case and in locating and recovering missing children.

To periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are victims of parental kidnappings, and the number of missing children who are recovered each year.

To provide to State and local governments, public and private non-profit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

To prepare an annual report to the President, Speaker of the House, and President pro tempore of the Senate that includes information contained in Section 404(a)(5) of the Juvenile Justice and Delinquency Prevention Act, as amended.

To provide a program to establish and maintain a 24-hour national toll-free telephone line where individuals may report information regarding the location of missing children and request information on reuniting such children with their families. <u>BASE RROCRAM DESCRIPTION</u>: The pubilc and the criminal justice community continue to be concerned about runaways and other missing and exploited children. During 1990, the National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART) was conducted, in which it was determined that the missing children problem is a set of five very different, and distinct problems. This study provided the first estimated 354,100 children who met the study definitions for family abduction. While an estimated 3,200 to 4,600 children were abducted by non-family members, of which 200-300 were defined as stereotypical (stranger) kidnappings, there were an estimated 114,000 attempted stranger abductions. An estimated 450,700 whildren was away from their homes or from juvenile facilities; an estimated 112,100 were thrown out of their homes or abandoned by their parents; and finally, an estimated 438,200 children were lost, injured or otherwise missing for a specified period of time, depending on their age and disabilities. It was discovered that many of the children in the first four categories were not literally national estimates of the number of children in each of these categories for a given year. Results indicated that in 1988, there were an missing, caretakers did know where they were, but the problem was in recovering them.

The Missing Children Program funds are used to enhance the efforts of State and local communities in their comprehensive response to missing and exploited children issues through such activities as direct assistance in planning and program development at the local level, and developing and disseminating policies, procedures and programmatic information related to search teams, investigations, crisis intervention activities, and well as reunification of youth with their family, and responding to issues related to victimization of the families and youth involved in the and exploitation problem Buissim

children and families, the legal obstacles to the recovery and return of parentally abducted children, problems with reunification of missing children, identification of early risk factors and prevention of family abductions, examining the National Incidence-Based Reporting System as potential source of data on child abductions, increasing understanding of child sexual exploitation, and effective screening of child care and youth service workers. Also, projects are underway for additional analysis of NISMAR data and planning for NISMAR II. Funds also support training and technical assistance for law enforcement, including State missing children clearinghouses, and prosecutors in missing child cases. Missing Children funds are also used to support research and demonstration programs that assess the psychological impact of abduction on

Provention to publish in the <u>Federal Register</u> for public comment annual research, demonstration and service program priorities for making grants and contracts pursuant to section 405 and the criteria based on merit for making such grants and contracts. The 1993 final program priorities The 1988 amendments to the Juvenile Justice and Delinquency Prevention Act (JJDPA) require the Office of Juvenile Justice and Delinquency were published in the <u>Federal Register</u> on March 1, 1993.

In 1992 and 1993, Missing Children Program resources also included \$500,000 for the Missing Alzheimer's Patient Alert System project. Congress provided these funds for a grant to address materials development, outreach, and training of local lav enforcement, public safety, and emergency health personnel in identifying and handling lost alzheimer patients.

<u> ACCOMPLISHMENTS AND WORKLOAD</u>: The following table presents accomplishments of the Missing Children Program.

			1363	ESC. I Mare
Item	1991	1992	1993	1994
Law enforcement and social service professionals trained	70,000 3/	70,000	6,600 4/	8,000
Telephone calls requesting information (NCHEC) 1/	100,000	100,000	100,000	105,000 5/
Computer network requests to NCMEC from State clearinghouses	000'02	70,000	75,000	80,000 6/
Instances of technical assistance related to missing or exploited children's				
cases (NCMEC)	000'6	000'6	11,800	11,800
Instances of technical assistance related to missing or exploited children's cases				
(State clearinghouse) 2/	20,000	20,000	20,000	20,000
Brochures, manuals, and child safety guides developed, published and mailed	625,000	625,000	625,000	620,000 1/

Represents workload estimates for National Centur for Hissing and Exploited Children (NCHEC). Represents workload estimates for State operated clearinghouses ·· range of responsibilities 72

Represents workload estimates for State operated clearinghouses ·· range of responsibilities include: operate toll-free In-State telephone lines to accept information about sightings of missing children; assist in the investigation of missing child cases; expedite the entry of missing child information into the NCIC system; and utilization of computer bulletin board data system to collect and disseminate

information that can assist agencies in recovering missing children. ~

Represents training in missing children issues by NCHEC. Law enforcement and social service professional training has shown significant increases due to the request to utilize the FBI Law Enforcement satellite training program; increased demand for hospital security training; increased demand for NCHEC to participate in the

Missing Children Comprehensive Action Program (MCAP) training.
1991 and 1992 figures on professionals trained included Law Enforcement Telecommunications Network Training.
Increase in telephone calls requesting information is from new NCMEC telephone system.
State clearinghouse increase due to computer bulletin board linkage with NCMEC data base. てのたの

Publications decrease due to distribution policy change.

PROGRAM_CHANGES:	1994 B	aseline	Porm 19	94 Estin	nate	Incre	ase/De	rease
	Pos. W	HY Amount	Pos		HY Amount	Pos.	젊	Amount
Missing Children	:	\$8,471	:	:	\$5,971	:	:	-\$2,500

A program decrease of \$2,500,000 is requested for the Missing Children's Program. This reduction includes \$500,000 to eliminate funding for the Missing Alzheimer's Patient Alert System. This grant has now been funded by OJJDP for two years, which is enough time to allow for the development of the project. The rationale for placing the grant in the Missing Children's program initially was due to the concentration of OJJDP's specific expertise in this type of program. Now that the program is on its feet, it more appropriately belongs at the National Institute on Mental Health, Department of Health and Human Services.

children and characteristics of their disappearance. The results of this study indicated that in 1988, there were an estimated 354,100 children who met the study definitions for family abduction. While an estimated 3,200 to 4,600 children were abducted by non-family members, of which 200.300 were defined as steareotypical (stranger) kidnappings, there were an estimated 114,000 attempted stranger abductions. An estimated 450,700 children ran and from their homes or from juvenile facilities; an estimated 127,100 were thrown out of their homes or abandoned by their parents; and finally, an estimated 438,200 children were lost, injured or otherwise missing for a specified period of time depending on their age and disabilities. It was discovered that many of the children in the first four categories were not literally missing, caretakers did While the program level will be reduced by \$2,000,000, the Missing Children's Program will not be adversely impacted. From 1985 through 1993, over \$48 million has been appropriated for this program. Much has been learned since the beginning of the movement on behalf of missing children in the early 1980's. QJJDP has worked aggressively to provide leadership in research. Until recently, there had been no reliable estimates of the numbers of children who became missing. Policymakers were not equipped with sufficient information on the problem to respond with effective strategies. OJJDP funded a research project known as NISMART - National Incidence Studies of Missing, Abducted, Rumaway, and Thrownaway Children, which was designed to provide valid estimates of the numbers of missing children and to establish profiles of missing. know where they were, but the problem was in recovering them.

seistance to local and state governments, individuals, parents and other agencies in locating and recovering missing and exploited children; to coordinate programs in the field that are oriented toward reuniting missing and exploited children with their lawful custodians; to develop, publish and disseminate instructive information about programs, techniques and services responsive to missing and exploited children issues; and to provide technical assistance to law enforcement agencies. State and local government agencies, individuals and other agencies serving the missing and exploited children issues relative to prevention, investigation, reunificaction, and treatment in missing and exploited children cases. A review of all the Title IV requirements of Section 404 and 405 shows that a majority of these requirements are being performed by NCHEC, which receives approximately \$3,700,000 annually. After funding the NCHEC, the remaining \$7,200,000 would be sufficient to address the other mandates of the Missing Children's Act; i.e., periodically conducting national incidence studies to determine for a given year the actual number of children reported missing each year, and providing direct service awards to missing children nonprofit organizations. Furthermore, it is expected that up to \$2,000,000 may be unobligated at the end of 1993. OJJDP funds a variety of activities to develop and coordinate a network of resources and provide effective policies and procedures to benefit missing and exploited children. The National Center for Missing and Exploited Children (NCMEC) serves as a national clearinghouse and resource center on matters relevant to and required by Title IV - The Missing Children's Act. These activities include the provision of technical

	Decrease		WY Amount	-\$2,500
	ease/		Perm. Perm. Perm. Perm. Pos. WY Amount Pos. WY Amount Pos. \$2,500 \$2,500	
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				virg: Mariel Cubans

LONG-RANGE GOAL: To provide financial assistance to States that have Mariel Cubans incarcerated in State facilities.

To award grants to reimburse States for expenses incurred for incarcerating Mariel Cubans. MAJOR OBJECTIVE:

BASE PROCRAN DESCRIPTION: Beginning with the 1985 Appropriation Act, Congress has annually provided resources for the purpose of making grants to States for their expenses incurred for the incarceration of Mariel Cubans in State facilities following their conviction of a felony committed after having been paroled into the United States by the Attorney General. Each State that applies for funds is required to submit a list of incarcerated Mariel Cubans that is certified by the Governor. The list of inmates is then verified by the Immigration and Naturalization Service (INS). On the basis of a per capita allocation, each State receives a pro-rata share of the amount available.

ACCOMPLISHMENTS AND WORKLOAD: Significant data for this program is presented in the following table:

								Estimate	nate
Ltem				1661		1992	1993		1994
Number of States reimbursed	:		:	39		38	38		:
Number of inmates verified by INS	:	:		2,560	7	,277	2,423		:
Average number of months incarcerated (per inmate)		:		10.4		9.01	10.5		:
Average total payment per inmate		:		\$1,939	\$2	\$2,179	\$1,032		:
Average payment per month per inmate				\$187		\$205	\$6\$:
		•		;					
PROGRAM CHANGES:	1992	1994 Baseline	ine	199	1994 Estimate	ate	Increase/Decrease	se/Dec	rease
	Perm.			Perm.			Perm.		
	Pos.	Ä	Amount	Pos.	\$	Amount	Pos	¥	Amount
Mariel Cubans	:	;	\$2,500	:	:	:	:	;	-\$2,500

No resources are requested for the Mariel Cubans program in 1994. The program is not of sufficient priority to command a share of the limited funds available to the Department of Justice. From 1985 through 1993, over \$42 million has been devoted to the program. During that time, the number of States receiving funds has grown from the initial 16. however, the majority of funds available each year are received by only a few States. For example, in 1993, 45 percent of the total appropriation went to only two of the 38 States that received funds and only 7 States received more than \$100,000. Almost 74 percent, or 28 States, received less than \$50,000 while 15 States received less than \$10,000. After eight continuous years of funding the program at about \$5,000,000 per year, Congress reduced the level of resources for the program to \$2,500,000 to 1993. That action has served as an indication to the recipient States that the program is undergoing reassesment by Congress and could be considered as the first step toward phase out. The proposed action for 1994 offers the second and final step toward complete

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This activity is used to reflect adjustments to prior year obligations and outlays for programs that were authorized by preceding legislative authorized by existing legislation. The programs have terminated and require no new budget authority in 1994. Activity: Crime Control Programs.....

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	sase/Decrease		Pos. WY Amount		:
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	mate		Pos. WY Amount		\$14,491
	W Esti		줔		:
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riation	Anticipated		Pos. WY Amount		\$14,491
.993 Appropriati			덝		:
1993		Perm.	Pos		:
		-		Activity: Regional Information	Sharing System

LONG-RANGE GOAL: To enhance the ability of State and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries.

MAJOR OBJECTIVES:

To encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among Federal, State, and local law enforcement agencies.

To enhance coordination and communication among those agencies in addressing multi-jurisdictional crime.

To provide technical and financial resources to augment existing multi-jurisdictional enforcement resources (including loaning specialized equipment, training, and investigative expenses).

State and local criminal justice agencies. The program maintains the operations sharing centers throughout the United States to service State and local criminal justice agencies. The program maintains the operations of the six existing regional information sharing centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network; the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network; the Middle Information Network; and the Nocky Mountain Information Network; the Regional Organized Crime information Conter; the Western States Information Network; and the Rocky Mountain Information Network. Each of these projects is comprised of an information sharing capability, an intelligence analysis component, and a telecommunications system, and provides for investigative support, investigative equipment, technical assistance and training. In addition to the six regional information sharing projects, Leviticus, which is a consortium of approximately 31 agencies in 21 States, is committed to the investigation and prosecution of conspirators engaged in major white collar securities crimes. Each participating agency provides its enforcement resources, supplemented by Federal funds, and coordinates these resources with other agencies to media gency provides its enforcement resources to needs of the field. The restructuring effort will broaden its capabilities into the more generic area of white collar crime, e.g., telemarketing fraud, and refine its

operation into one of providing support services, such as information sharing, intelligence and case analysis, and training and technical

ACCOMPLISHMENTS AND WORKLOAD: The accomplishments of the six Regional Information Sharing System projects follow:

Estimate

	000'7	110,000 110,000	20,000 50,000	6,200 6,200	\$175,000,000 \$175,000,000	\$23,000,000 \$23,000,000	\$2,000,000 \$2,000,000
1992	3,100	110,000	20,000	6,200	\$175,000,000	\$23,000,000 \$	\$2,000,000
1991	3,000	100,000	000'07	6,200	\$175,000,000	\$23,000,000	\$2,000,000
Item	Membership	Inquiries	11 (5)	ITHERETOR	Seizures	Property Seizures	Civil (RICO) Seizures

	rease	Amount	:	ne criminal
	se/De	Ä	:	of th
	Increase/Decrease	Perm. Pos. WY Amount	:	functioning
	1994 Estimate	Pos. WY Amount	\$496,000	prove the
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	199	Perm. Pos.		me, and
	1994 Baseline	Perm. Pos. WY Amount	000'967\$	related cri
	Base	3	:	drug.
	7661	Perm. Pos.	:	use and
riation	nticipated	Perm. Pos. WY Amount	\$496,000	ontrol drug
pprop	icipa	Š	:	to
1993 A	Ant	Perm. Pos.	:	al efforts
			Anti-Drug Abuse Program	<u>: GOAL</u> : To enhance State and local efforts to control drug use and drug-related crime, and to improve the functioning of the criminal
			Anti.	COAL

justice system.

MAJOR OBJECTIVES:

Activity:

To encourage the establishment of drug policies, the development of strategies and reallocation or targeting of resources to increase the effectiveness and efficiency of drug control efforts.

To provide State and local criminal justice agencies with state of the art information on innovative and effective programs, practices and techniques.

To improve and enhance the capability of State and local agencies to engage in effective drug control efforts.

To encourage and facilitate coordination and cooperation.

To assess the impact of activities on the drug problem and the criminal justice system.

BASE RROCRAM DESCRIPTION: The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, authorized by the Anti-Drug Abuse Act of 1988, is to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis placed on a nationwide and multilevel drug control strategy.

Programs and projects are developed to assist multijurisdictional and multistate efforts to control drugs and to support national drug control The Anti-Drug Abuse Act of 1988 authorizes programs in 21 purpose areas to control drugs and improve the criminal justice system. priorities.

The 1994 request of \$496,000,000 provides funds for the following: \$431,000,000 for the Formula grant program; \$50,000,000 for the Discretionary grant program; \$13,000,000 for the fourth and final year of funding for the NGIC 2000 project, which is administered by the Federal Bureau of Investigation; and \$2,000,000 for the District of Columbia Metropolitan Area Drug Enforcement Task Force (MATF). The amounts provided for NGIC and MATF will be allocated off the top of the total requested.

FORMULA GRANT PROGRAM

At least 80 percent of the appropriation for the Edward Byrne Program is provided to the States as formula grants. The Act allocates 20 percent, or \$50,000,000, whichever is less, to the discretionary grant program. The remaining funds are distributed to the States by a formula that provides each State a base amount of .25 percent of total funds available or \$500,000, whichever is greater, with the remaining funds distributed to the States amount of .25 percent of total funds available or \$500,000, whichever is greater, with the remaining funds based on a population share basis. A percentage of each State's formula award must be used for projects at the local level, based on the proportion of local criminal justice expenditures. The 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands are eligible to receive a formula grant award. The States, in consultation with State and local officials, develop statewide drug and violent crime strategies and funding provides financial assistance, based on need, to State and local agencies to address the problems of drugs and office are tained in a nation's towns and communities. Beginning in 1992, the States are required to set aside at least five percent of their formula grant award for the improvement of criminal justice records. With the enactment of the Immigration Act of 1990 in November 1990, States are required to assure as part of their application for funds that they have a plan in place to provide conviction information on aliens, without fee, to the immigration and Naturalization Service.

DISCRETIONARY GRANT PROGRAM

Through its Discretionary Program, BJA provides support for new or proven innovative programs that can have an effective nationwide impact on State and local criminal justice systems. One of the areas of emphasis of these programs is to reach out to assist minority communities. BJA's demonstration programs are designed to test the effectiveness of programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction. The Bureau also funds programs which are national or multi-state in scope and provides technical assistance and training to help State and local agencies adopt innovative narcotics control and criminal justice system improvement programs.

previous years. The remaining funds have been used to begin new activities which address major problems facing State and local criminal justice The Program provides BJA and the States broad authority to establish and support projects in all components of the criminal justice system as well as demand reduction efforts utilizing law enforcement officials. Many of the programs that BJA funds are multi-year efforts, requiring several years of support to develop a prototype/model, implement and evaluate the prototype, and disseminate the results to the field. Approximately 50-60 percent of the discretionary funds have traditionally been used each year to continue activities that were initiated in systems and emerging problems and issues and implement priorities identified in the President's Drug Control Strategy. An increasing proportion of the funds have been earmarked, through the appropriation process, for specific programs and/or grantees. This earmarking of funds limits BJA's ability to effectively plan for and manage the funds. Some programs continue to be earmarked for funding after they have been shown to be effective and the results have been disseminated for replication. Thus, BJA's ability to address new issues and to

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tost new programs and practices are limited. In addition, the identification of specific grantees, makes it impossible to competitively select the most cost effective proposals.

1994 Discretionary Grant Program Priorities

The allocation of the \$50,000,000 Discretionary Grant Program funds includes \$34,000,000 for three major Administration priorities: \$10,000,000 for continuation of overtime costs for State and local law enforcement officers participating in Federal Task Forces; and \$8,000,000 for the expansion of boot camps. The remaining \$16,000,000 will be used to continue, although at a reduced level, a number of programs, such as Organized Crime/Narcotics Trafflicking (OCN) Task Forces, Financial Investigations, the National Crime Prevention Campaign and the Drug Abuse Resistance Education Program. A small portion of the funds will be used to continue or initiate programs to assist States and local units of government address issues of major concern, such as drug trafficking and crime in rural areas; the growth of gangs; and increases in violence. Several programs previously earmarked through the appropriation process have been reduced or eliminated in order to accommodate the above priorities. The following section provides a description of the programs that BJA plans to fund in 1994.

Operation Weed and Seed

The purpose of this program is to demonstrate an innovative, comprehensive and integrated multi-agency approach to law enforcement and community revitalization for controlling and preventing violent crime, drug abuse and gang activity in targeted high crime neighborhoods across the country. This law enforcement and neighborhood revitalization program is based on the premise that the problems of drugs and violent crime must be addressed in a comprehensive manner. No single agency, Federal, State or local, can solve these complex problems alone. Rather, what is needed is a comprehensive, coordinated approach. BJA funded three pilot Weed and Seed sites in 1991. Seventeen additional sites were added in related programs were initiated with BLAYs discretionary grant funds and funds made available by the Departments of Education, and Housing and Urban Development. In 1993, Congress established a separate Weed & Seed appropriation that provides \$12,350,000 for additional Phase I sites, expansion of existing projects, and Phase II funding at current sites. For 1994, BJA will allocate \$10,000,000 in discretionary funds to continue the Weed and Seed initiative. An important part of this program will be efforts to address emerging problems that face Weed and Seed sites and other locations, such as carjacking; the illegal distribution and sale of guns; deportation of convicted felons; increased violence against women; putting more police back on the street; State regulation and monitoring of money exchanges and wire transfer businesses; and trus abuse. BJA will develop new program initiatives to help State and local agencies address these issues as they develop. 1992 with BJA's discretionary grant funds and funds provided by the Executive Office of United States Attorneys. Additional Weed and Seed-

State and Local Participation in Federal Task Forces

to the State and local participating agencies in the form of overtime payments made available through cooperative agreements with Department of Justice agencies. BJA will allocate \$16,000,000 to support the effort. Approximately two-thirds of the funds will be transferred to the Drug Enforcement Administration and the remaining one-third to the Office of the Deputy Attorney General, Organized Grime and Drug Enforcement Task Force Section, for distribution to State and local agencies for overtime payments. State and local law enforcement agencies participate in Federal drug enforcement and organized crime task forces. Assistance will be provided

Intermediate Sanctions (Boot Camps/Corrections Options)

The effectiveness of "boot camps" as a sentencing option for youthful offenders is being tested by BJA under the Discretionary Grant Program as well as by a number of States with formula grant funds. These programs generally include military-style discipline, substance abuse treatment, work in the community, educational services and counseling. A relatively short sentence to the boot camp program is usually followed by a

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punished more effectively in a non-traditional correctional environment. Where appropriate, drug-abusing offenders are identified and referred to treatment. This program area will also focus on support programs that expand prison capacity through the use of Federal Surplus Property and provide prison industry projects designed to place inmates in a realistic working and training environment. Approximately \$8,000,000 will be available for these activities in 1994. incarceration will also be continued. In addition to the development of boot camps, these options include such activities as community-based incarceration, electronic monitoring, intensive probation, and other innovative sanctions for offenders who can be Corrections Options period of probation or parole supervision. Boot camps provide an opportunity to relieve prison or jail overcrowding while appropriately sanctioning young, non-violent offenders. In 1994, BJA will expand boot camps to other State and local jurisdictions. Corrections Optic initiatives begun in 1992 and 1993 to promote the development of sanctions that fill the gap between traditional probation and secure

Drug Enforcement and Prosecution

prosecution model. In 1993, the training and technical assistance activities will be continued and additional sites will be funded to demonstrate variations of the OCN Model, such as the Statewide Integrated Resources Model, the gang and related violence approach, etc. Approximately \$2,000,000 will be allocated for this program area in 1994, which will continue support of the technical assistance and training activities. On a limited basis, these funds will also be used to continue, and in some cases to expand, demonstration efforts under the OCN and prosecution programs. Since the basic Organized Grime/Narcotics Trafficking Demonstration Program projects have been funded for four to five years, BJA recommends that funds not be earmarked for the OCN Program. BJA will determine, within the allocated funds, the level of effort that Under the priority area of Multijurisdictional Drug Enforcement and Prosecution Task Forces, in 1992, BiA continued to provide funding for demonstration sites based on the Organized Crime/Narcotics Trafficking (OCN) model and continued the provision of technical assistance and training under the Center for Task Force Training (CcnTF) to States and jurisdictions that allocate funds from their formula grant award or general revenues to support the program. This program area supports multi-jurisdictional enforcement and prosecution activities that focus on mid and high-level drug trafficking enterprises. It includes training and technical assistance on the Organized Crime/Narcotics Trafficking program, Prosecution, the multi-jurisdiction program, State Civil RICO Statutes program, and the statewide grand jury investigation and needs to be continued to support State and local activities.

Financial Investigation and Money Laundering Prosecution - For 1993, BJA plans to continue funding limited demonstration activities and provide training and technical assistance based on the FINVEST model to States and jurisdictions that allocate funds from their formula grant avard or designed to assist State and local prosecutors in undertaking money laundering and financial crimes prosecutions to remove the profit motive in drug trafficking. It includes training and technical assistance based on the FINVESI program that was developed with BJA discretionary funds and training and technical assistance in asset seizure and forfeiture for law enforcement and prosecutors. Approximately \$2,000,000 will be allocated for this program area in 1994. Since the FINVESI Program has been funded for four years, BJA recommends that funds not be earmarked for the FINVESI Program. BJA will determine, within the allocated funds, the level of effort which needs to be continued to support State and general revenues to support the program. The training is provided by the Center for Task Force Training (CenTF). Programs in this area are

Rural Drug Control Program . This new program area will build upon the experiences of the Rural Innovative Neighborhood-Oriented Policing, Drug Impacted Small Jurisdictions, Weed and Seed and other BJA Programs to provide assistance to small and medium sized jurisdictions with populations under 100,000 people. Programs will be developed to meet the special needs of rural areas where criminal justice agencies operate with limited resources to address the growth in drug related crime, the spread of gangs, and the rapidly increasing number of drug cases. Approximately \$1,200,000 will be allocated to this program area. 4

Prevention and Education Programs

violence, illicit drug use, and the criminal justice system; to generate an individual and community sense of responsibility for crime and drug abuse prevention and to initiate appropriate action; and to enhance and mobilize current efforts at the national, State and local levels. These goals are achieved through the development and dissemination of public service advertisements; the publication of a wide range of materials from books and brochures to posters and action kits; the provision of technical assistance and training on various aspects of crime and drug prevention; the conduct of policy roundtables and symposia for national, State and community leaders; the maintenance of a Resource Library and Computerized Information Center; and the provision of Secretariat support to the Crime Prevention Coalition. In 1993, \$2,800,000 was allocated to continue the campaign. In 1994, \$2,000,000 will be provided toward this effort. The grances will be encouraged to seek private sector contributions to make up the difference in funding. But recommends against the earmarking of funds for this program and grantee. But requires the flexibility to competitively solicit applications for all or portions of the functions carried out under the Campaign to ensure the most cost effective administration of the program. The National Citizens' Crime Prevention Campaign is funded by BJA under a cooperative agreement with the National Crime Prevention Council (NCPC). This program, which is easily recognized by McGruff, the Crime Dog, and the nationally recognized "Take A Bite Out Of Crime" slogan, has been instrumental in the development, coordination, and promotion of nationally effective crime prevention and drug demand reduction materials, publications, and community based initiatives. The goals of this program are: to change feelings and attitudes about crime,

uniformed, full-time veteran police officers, after intense training, teach drug use education to students in classrooms, grades K-12. BJA has specialized training for police officers who wish to teach drug use education and for police officers who work with and train other officers as instructors. In 1992, \$1,700,000 was awarded, in large part, to begin the state certification program, and to complete demonstration and documentation of the parent components. In 1993, BJA allocated \$1,200,000 to continue the student education program, accredited the State Training Centers, and completed the design of a DARE Parent Model. In 1994, BJA will allocate \$1,000,000 for this program. Drug Abuse Resistance Education Program · DARE is police officer-led, semester-long classroom instruction that teaches children how to resist peer pressures to experiment with drugs. DARE also teaches children about the penalties that society imposes for illicit drug use. Qualifie supported five Regional Training Centers located in Arizona, California, Illinois, North Carolina and Virginia which provide cost-effective,

Community-Based Programs - In 1994, \$1,500,000 will be utilized to continue and to design, develop, and implement new approaches to community-based prevention and education programs. Current activities which fall within this area include the Wings of Hope Anti-Drug Program, Boys and GITIS Clubs Demonstration Program, Strategic Intervention for High-Risk Youth, the Eisenhower Foundation's Neighborhood Crime and Drug Abuse Prevention Program, the National Training and Information Conter's Communities in Against Praining and Information Conter's Communities in Action to Prevent Drug Abuse, and the National Association of Town Watch's Crime and Drug Prevention Campaign. BAA will review these programs and will continue those which are having the greatest impact in the field. Because limited funding will not permit the continue those which are having the greatest impact in the field. Because limited funding will not permit the continuation of all of these programs, so the funds can be

Community-Oriented Policing

Community-Oriented Policing Demonstration and Technical Assistance - This demonstration program is based on a philosophy which recognizes the interdependence and shared responsibility of the police, community and other municipal agencies to identify problems associated with crime, drugs, and gang violence in local neighborhoods, develop solutions using multiple resources and imposative strategies to alleviate and further prevent crime and drug abuse. The program involves changes in a Department's organizational structure and capabilities, skills of management and line officers, and operational changes as well as the development of linkages with other community agencies to foster joint responsibility and action. This program develops and demonstrates the effectiveness of transitioning law enforcement agencies from traditional

available for selected jurisdictions. This initiative also addresses a major component of the Weed and Seed Initiative, as a number of elements of Community Oriented Policing directly establish the link or bridge between the Weeding and Seeding components. In 1992, approximately \$4,000,000 supported the development of a prototype for implementation of Community Oriented Policing and the initiation of demonstration sites. Additionally, funding in 1992 supported the related Innovative Neighborhood Oriented Policing Program In 1993, funding for this program area will continue developmental activities initiated the previous year. In 1994, the program will be in the middle of a three to four-year demonstration process and will be allocated \$1,500,000. This allocation reflects a decrease in anticipation of the \$50,000,000 Community Policing Program proposed by the Administration. If the new program is not created, BJA allocations may have to be redistributed to provide In addition to funding demonstration sites, training and technical assistance will be additional support for BJA's Community Policing initiatives. methods of policing to a total community policing style.

Violence and Gangs

The Violence and Ganga program area focuses on the prevention and control of the increasing level of violence in this country and the growth in gang-related crime. BJA will continue the Urban Street Gang Drug Trafficking Enforcement Program, which is designed to establish prototypes for the suppression of gang drug trafficking activities and related violence. The Comprehensive Gang Initiative, designed to develop comprehensive suppression, prevention, and education prototypes that can be utilized by jurisdictions to control and prevent gang related narotics and violence, will also be continued. Both of these programs include demonstration projects, as well as training and technical assistance to states and local jurisdictions. BJA will also implement new initiatives to control, and to identify and address the causes of the violence which is plaguing our streets. Much of the violence is related to drugs and drug trafficking, but there are indications of an increase in non-drug related violence. In 1994, approximately \$2,500,000 will be allocated for programs in the area of violence and gangs.

Improved Information Systems

Criminal Justice Automated Information Systems - BJA will continue to provide resources to improve criminal history information systems and the transmission of accurate and timely criminal records to the Federal Bureau of Investigation (FBI). The program is designed to make systematic improvements in the accuracy, completeness, and timeliness of state criminal history record information throughout the nation. BJA will also formula grant funds for the improvement of criminal records, to utilize existing public domain computerized criminal justice simulation models to enable them to estimate the impact of policy changes on various parts of the criminal justice system. Technical assistance, training, technical report publication, and public domain system development that has addressed the principal needs of small and medium-sized criminal justice agencies will be continued to extent that funds permit. Approximately \$1,000,000 will be allocated for this program area in 1994. The maintain a program of assistance to States and local units of government to help them with the implementation of the five percent set-aside of allocation for this area is relatively low in anticipation of the \$25,000,000 criminal history improvement program proposed by the Administration. BJA recommends against an earmark in this area to allow BJA the flexibility to competitively secure the most appropriate and cost offective services in this area.

Evaluation

BJA conducts, small, short-term assessments or evaluations of discretionary or formula grant programs or other State or local programs. For example, if BJA identifies an innovative and promising program or practice at the local level, BJA may conduct an assessment and document the program for dissemination to the field. This practice allows for the quick transfer of new ideas. The results of these assessments may also serve as the basis for a new demonstration program that BJA will develop, implement in several sites, and fully evaluate through NIJ to test its amended, National Institute of Justice (NIJ) has primary responsibility for the evaluation of BJA's discretionary and formula grant programs. Evaluation of Discretionary and Formula Grant Activities. Under Section 520 of the Omnibus Crime Control and Safe Streets Act of 1968 as

effectiveness. In addition, State Reporting and Evaluation Program will be continued. This program is designed to help BJA develop and/or enhance the capacity of the States to monitor, measure, and evaluate the impact of their strategies, programs and projects. The program also collects consistent and comparable program data from all States and analyzes and reports on program performance Approximately \$500,000 will be allocated for this activity in 1994. Bureau of Justice Assistance Clearinghouse . The clearinghouse serves as an important vehicle for disseminating information to State and local criminal justice practitioners on effective programs and practices described in BJA publications, and directly supports BJA's Peer Panel Review Process. In 1993, funds will be allocated to continue these activities. For 1994, \$800,000 will be allocated to continue and expand these activities to enable BJA to expand the involvement of criminal justice experts in the design and assessment of its programs.

ACCOMPLISHMENTS AND WORKLOAD

FORMULA GRANT PROGRAM - PROGRAM ACCOMPLISHMENTS

The passage of the Anti-Drug Abuse Act in October of 1986 was an important step in enlisting many State and local jurisdictions in the Nation's fight against drugs. A review of the first statewide drug strategies submitted to BJA in 1987 showed that many States had only limited information on the scope and nature of the drug problem in their State and had allocated few resources to addressing the problem. Over the past years, formula grant funds have been devoted primarily to building the capacity of the States and local jurisdictions to control drug-related crime. In many States, the Federal resources made available through BJA serve as an impetus for reprioritization of existing or allocation of additional resources to target the drug-related crime. During recent years, increased resources have been focused on the prevention and control of violent crime and on improving the functioning of the criminal justice system.

The Bureau of Justica Assistance encourages the States to integrate and support the objectives and strategies of the National Drug Control Strategy into their drug and violent crime control strategies. The Program Guidance and Application Kit highlights key program elements from the National Strategy, the States are sent a copy of the National Strategy and State strategies are reviewed to identify State initiatives to implement national priorities. For example, the national strategy recommendation that offenders be tested for drugs has been implemented by over 90 percent of the States in at least part of their criminal justice systems and several have implemented system-wide testing of offenders.

High priorities for use of the Formula Grant funds by the States in 1992 were: task forces and street sales enforcement, corrections/drug treatment, prosecution/financial investigations, and demand reduction/crime prevention. The following is a sample of the types of activities being implemented with formula grant funds.

crime control strategy. Nearly 1,000 task forces and drug units have been established or expanded throughout the country with formula grant funds. The multi-jurisdictional task force provides State and local agencies with a means of coordinating efforts to investigate highly mobile drug traffickers and share limited resources and expertise. Hany of the task forces include participation of State, local and Federal law enforcement officers and prosecutors. Over 34,000 drug offenders were arrested across the country by formula grant-funded task forces between 1988 and 1991. During that period these task forces removed over 95,590 kilograms of cocaine, 2.1 million kilograms of cannabis, and over 5.3 million cannabis plants. Assets with an extimated value of over \$497 million were soized from drug offenders by the task forces. The task forces in most States target major and street-level dealers. Task forces with statewide jurisdiction are funded in 24 States, and 44 States fund task forces with regional jurisdiction. Approximately 40 percent of the task forces include full or part-time prosecutors as members, and most of the rest work closely with prosecutors' offices. The impact and benefits derived from participation in multijurisdictional task forces are significant, especially for small- and medium-sized agencies that do not have the resources or expertise to undertake investigations of Lav Enforcement - Almost every State used the multi-jurisdictional task force or drug unit concept as the foundation of their drug and violent

major drug organizations alone. Specialized training and the experience gained by officers who participate in multijurisdictional task forces have resulted in enhanced expertise and sophistication of local law enforcement.

Street sales enforcement activities are illustrated by New York's Coordinated Omnibus Municipally Based Anti-Drug Teams (COMBAT), which are designed to forge an alliance between police and the community to reclaim neighborhoods from drug criminals and to improve safety and the quality of life for residents. In 1992, the COMBAT program included projects in the five boroughs of New York City and eight upstate areas. Police presence has greatly increased, and citizens increasingly provide information, support, and advice to law enforcement. Drug dealers are getting the message that it is not safe for them to operate within the target areas as they have previously. Local officials establish their own priorities and develop strategies to accomplish goals and objectives. Some have conducted street sweeps and undercover drug work to disrupt street-level dealing. Host projects employ community policing concepts to develop improved communications and understanding between the police and community residents. The Bronx, Brooklyn, and New York projects have included efforts to evict drug offenders from public housing when such living space is used for drug transactions.

drug crimes, these agencies had devoted only limited resources to the proactive pursuit of fugitives in the past. Task force officers are researching the 6,330 outstanding felony warrants and 150 prison escapes and parole violations and are building intelligence files on the wanted probation violators, and those wanted on felony warrants. Although apprehending felony fugitives significantly impacts violent, property and Department and the West Valley City Police Department joined together in this task force to locate and apprehend prison escapees, parole and Utah's Fugitive Task Force made over 200 arrests of high-risk fugitives and recovered \$139,289 in stolen property during its first year of operation. The Federal Bureau of Investigation, Utah Department of Corrections, Salt Lake County Sheriff's Office, Salt Lake City Police

The enhancement of the capabilities of officers through training and technical assistance is a critical element of many state strategies. For example, in Colorado, training is incorporated into most projects funded with formula grant funds. Twenty projects funded in 1989 contained a training component, resulting in the delivery of approximately 45,000 person hours of training through 1991. Eighty-five percent of the projects report a change in policy and/or procedures within their agency as a result of the training, and 80 percent report enhanced

between September 1989 and late 1991 by police officers in Baltimore's 41 drug free zones. The Neighborhood Service Foot Patrol Officer program was initiated in the summer of 1990 to work in the drug free zones. Foot patrol officers are equipped with three-wheel vehicles, which gives Several States have implemented programs which specifically target drug sales in and around schools. For example, over 4,800 arrests were made them the mobility necessary to pursue drug dealers from one drug-free zone to another and to drive them out of neighborhoods.

search patterns, and the handlers receive continuous updates on training methods, new protocols for conducting searches, and intelligence information. During the first three quarters of 1992, the unit arrested 173 drug offenders, participated in the service of 113 drug-related search warrants, and contributed to the confiscation of 515 kilograms of marijuana and 5 kilograms of cocaine. The Componwealth of the Northern Mariana Islands are search warrants as a contributed a Gustoms Canine Enforcement Service Program with funds from the Formula Grant Program and from the U.S. Department of Interior. The dogs, used to patrol the airport, the docks, and the post office, were responsible for the interdiction of 14.25 pounds of marijuana and 5.12 pounds of "ice" in 1991. These interceptions resulted in 16 arrests and seizure of assets valued at \$15,200. The narcotic detection dogs receive monthly training in scent association and The Pennsylvania Canine Drug Enforcement Unit, for example, is comprised of 14 strategically located canine drug enforcement teams that provide narcotic detection Drug detection dogs have been used successfully in a number of States to help law enforcement locate illegal drugs. assistance to local, State, and Federal law enforcement agencies.

specially trained clandestine lab response teams. Washington State, for example, developed clandestine laboratory teams to help detect, interdict and dismantle illegal drug manufacturing sites, particularly those involving hazardous chemicals. The clandestine laboratory response program is staffed by a coordinator with clerical support. From May 1, 1990, through November 30, 1991, the State Patrol laboratory teams responded to 64 requests for assistance from 24 different law enforcement agencies. The State Patrol also operates a marijuana eradication hotline and offers rewards to callers who provide information leading to successful eradication efforts. In addition to the clandestine laboratory disruption conducted by many of the multijurisdictional task forces, several States established

order to increase the number and effectiveness of drug case prosecutions. Many of these drug prosecutors work closely with the drug task forces resulting in stronger cases for prosecution. Most of the drug prosecution units emphasize the seisure and forfeiture of drug related cases and many of the units utilize vertical prosecution of drug cases. For example, in Anizone, many prosecutors are involved in decisions early in the investigation by the numerous ineargency drug task forces. Prior to 1987, only two county attoring a strong free sasigned full time to drug cases. In 1992, 13 of the 15 county attorings in Arizona had decisions bad drug prosecutor, made possible by funds from attorney levels, compared to 15 in 1987. In 1992, there were six full-time attorneys and five full-time investigators dedicated to asset forfeiture activities, whereas in 1987 there were none. The drug prosecution programs reported 6,082 felony drug offender convictions and 2,403 misdemeanor drug offender convictions between July 1991 and June 1992. Approximately 38 percent received jail or prison sentences. Prosecution - Many States used Formula Grant funds to establish drug prosecution units and/or to hire prosecutors dedicated to drug cases in Foderal grants and the State Drug Enforcement Account. There were 30 full-time drug prosecutors in the State at the county attorney or city

provide resources, technical assistance, and training to local prosecuting attorneys. For example, a State Drug Prosecution Program was established in South Dakota to provide drug investigative and prosecution support to agencies across the State, to assist with the gathering and dissemination of intelligence information, and to enhance drug prevention education through Project DARE (Drug Abuse Resistance Education). In State Drug Prosecution Prosecution Force of the 66 counties have full-time State's Attorneys with the time and resources to davote to drug prosecution. The State Drug Prosecution Program is a specialized unit responsible solely for prosecuting drug cases and coordinating seizure and forfeiture procedures. The attorneys are available to take part in extensive drug investigations and prosecutions throughout the State; to take over cases, or assist local prosecutors during major drug cases; to assist with wiretaps and investigative grand juries; and to follow cases up the chain of the drug supply. Investigative grand juries are used to obtain testimony on sources of drug supply from convicted drug felons and State Drug Prosecution Programs have been established in a number of States to prosecute high-level and multijurisdictional drug cases and to

Prosecuting attorneys in a number of States have been cross-designated as U.S. Attorneys to broaden their jurisdiction and to allow them to file cases in Federal court. A State Drug Prosecution Project in Maine integrates drug prosecution with the investigative efforts of the Bureau of Intergovernmental Drug Enforcement (BIDE). Assistant U.S. Attorneys and Assistant Attorneys General, some of whom come from District Attorney 1991, BIDE has generated 1,700 cases. As a result of substantial involvement by the U.S. Attorney's Office, approximately one-third of the drug cases are prosecuted in Federal Courts. In 1992, in response to recommendations in an interim assessment report, a team approach to prosecution was implemented, with the district attorneys as a part of the team. The attorneys prosecuting drug cases under the project as Assistant Attorneys General now report directly to the District Attorney in whose prosecutorial district they are assigned. agents are provided with full-time prosecutorial advice and other legal resources during an investigation and after an arrest. The prosecutors are cross-designated as Assistant Attorneys General and Assistant U.S. Attorneys. Since its inception in the spring of 1988 through August offices, consult and collaborate with agents to produce an integrated and unified investigation and prosecution strategy. Law enforcement

Adjudication - Court-related programs initiated or expanded with formula grant funds generally focus on reducing the delay in case processing caused or aggravated by the influx of large numbers of drug cases. States that have implemented effective Court Delay Reduction programs have found that cooperation and coordination among the court, the prosecutor, and defense services are essential to success. For example, in New

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Jersey an alliance between the courts, the prosecution, and the defense was established in order to provide additional resources to the courts. Judges were transferred from the civil to the criminal divisions and, with a team of public defenders, prosecutors and other support staff, addressed the criminal case backlog. Formula grant funds were used to create special drug courts in seven counties using this team approach. Three urban counties implemented programs to improve trial court

effective on April 1, 1992, and imposed sanctions for failure to comply. Formula grant funds were used to implement several programs to increase the efficiency and effectiveness of the court. Procedures for the processing of continuance requests were revised; a control calendar was maintained; and procedures were implemented to revoke drivers' licenses for all drug offenders. As a result, the average time between the order for a presentence report and disposition in Kent and Sussex Counties was reduced from 87.2 days to 53.5 days by providing two full-time court clerks. In New Castle County, the average time in detention detainees dropped from 27 to 22 days, at least partially due to efforts to centralize and-streamline the management of drug cases. Delaware, a Criminal Administrative Order established time standards for each phase of a criminal case in Superior Court, which became

Los Angeles County's Early Disposition Project obtained over 3,600 felony certified pleas, saving the county almost \$14 million. A deputy district attorney and a deputy public defender work together at the felony arraignment and reach an agreement on a guilty plea in most cases. The Probation Department agreed that when a certified felony guilty plea is obtained under this program, a probation report would be completed 14 days after the defendant entered the plea in court rather than the usual 80 days.

A number of States are developing training programs for judges and court personnel on substance abuse, interventions, and court delay reduction Iowa has used formula grant funds to train a cadre of judges and support staff at a national drug training program. Iowa also used formula funds to conduct a 2-day seminar to provide juvenile court officers information about substance abuse intervention and legal issues relating juveniles. Trained judges present this information to other court officials at judicial conferences throughout the year. The Ohio Supreme Court has received two formula subgrants to train judges and court personnel in substance abuse and court delay reduction.

Corrections and Treatment - Most States are struggling with prison and jail capacity problems, which are rapidly increasing by the growing number of drug offenders, and enhanced and mandatory sentences for some drug offenders being passed by many legislatures. A majority of the Formula Grant funds allocated by the States for Detention, Rehabilitation and Treatment have been used to develop or enhance drug treatment services or alternative sanctions programs rather than to expand prison or jail capacity.

safety and facilitates treatment of the client's drug addictions and alcohol abuse problem. This approach was developed to supervise over 5,000 clients which are required to receive treatment as a condition of their probation or parole, plus 15,000 with drug involvement but no stipulations. Other types of corrections programs being implemented by the states include boot camps, house arrest and electronic monitoring, and community residential centers. Hany States have implemented programs to treat drug-dependent offenders in correctional institutions. States such as Alabama, Pennsylvania, Illinois, Wisconsin and Florida have developed a continuum of services within their institutions. Treatment Alternatives to Street Grime (TASC) programs, which service as a bridge between criminal justice and treatment have been established or expanded with formula grant funds in approximately 25 percent of the states. Approximately one-half of the States have used formula grant funds to establish or expand intensive supervision programs for offenders. Pennsylvania, for example, has implemented a program to provide an intensive level of probation/parole supervision which ensures community

FORMULA GRANT PROGRAM - PROGRAM MANAGEMENT WORKLOAD AND ACCOMPLISHMENTS

is a summary of the workload and accomplishments related to the administration and monitoring of the Formula Grant program achieved during the past year: The following

- ď strategy within 60 days States are required to submit an application for funds, including a statewide drug control and violent crime strategy within 60 the enactment of the appropriation. BJA must review and approve all complete applications within 45 days of receipt. The 1993 applications were due to BJA by December 7, 1992, and were reviewed within 45 days, as required by statute.
- 5 Fifty-six monitoring site visits were conducted during 1991 and 1992. On February 6, 1991, the OJP Assistant Attorney General issued OJF Notice regarding new monitoring policies and procedures. In response to the AAG's directive, BJA is implementing the monitoring procedures outlined in this document. ٥
- The formula grant tracking system is being enhanced and expanded significantly to better provide the program managers with the information to manage and monitor the grants. It will also provide the Division Director and Director of BJA with a series of reports to help them more effectively direct the administration of the program. 0
- BJA's annual meeting with the States was held December 2-5, 1992. The conference provided another opportunity for enhancing the "partnership" BJA has developed with its State and local counterparts. The panels and workshops focused on successful State and local efforts to implement statewide drug control and system improvement strategies under the Formula Grant Program as well as effective programs implemented under BJA's Discretionary Grant Program.
- A national evaluation conference was jointly sponsored by BJA and NIJ in June 1992 to assist the States with the development and enhancement of their evaluation capabilities. 0

DISCRUTIONARY GRANT PROGRAM - PROGRAM ACCOMPLISHMENTS

BJA's discretionary grant program is designed to simultaneously address the key needs of State and local law enforcement and criminal justice agencies while contributing to the integration of priority issues as identified by the National Drug Control Strategy. Following are a number of programs that have contributed significantly to the improvement of drug control activities and administration of justice at the State and local levels, as well as information on a number of new initiatives implemented in 1992.

Community-Oriented Policing

Community-Oriented Policing. BJA is developing a Community Policing Model which encourages a proactive approach of identifying and targeting community resources on the causes of crime and drug abuse, replacing more traditional enforcement which is reactive to the symptoms of community problems. This model, being developed through a consortium of law enforcement organizations, is based in large part on the results of programs doveloped and tested by BJA over the past 8 years to encourage police and citizens to owrk together to prevent and control drug abuse and crime. The model will address the planning, development, implementation, monitoring and assessment of community-oriented policing and will be demonstrated in up to five local law enforcement agencies during 1993. BJA is also demonstrating the Innovative Neighborhood-Oriented Policing approach, which encourages the formation of partnerships between law enforcement, other city agencies and the community to address problems at the neighborhood level of both urban and rural jurisdictions. 1

and cooperatively addressing issues and problems. This program is showing that the targeting of resources in specific high-crime neighborhoods guidelines, site development, and an implementation manual. The manual provides a comprehensive and detailed description of the Weed and Seed Strategy. BJA oversees a number of interagency agreements for the provision of training and technical assistance and is responsible for monitoring the demonstration sites. Law enforcement, city agencies and the residents of the 20 Weed and Seed sites are building relationships The Community-oriented policing is a critical element of and Seed is a comprehensive, multi-agency approach to combatting violent crime, drug use, and gang activity in high-crime neighborhoods. The goal is to "woed out" crime from targeted neighborhoods and then to prevent crime from recurring by "seeding" the sites with a wide range of crime and drug prevention programs, human service resources, and community involvement. Community oriented policing is a critical element o the Weed and Seed approach. The program uses Federal funds to leverage significant public and private resources to focus criminal justice, social service and neighborhood revitalization resources in the target areas. BJA played a leading role in the development of the program Weed and Seed. A major BJA activity during 1992 was assisting with the development and implementation of the Weed and Seed initiative. is both feasible and effective.

in partnership with other municipal agencies and the community. Program strategies are varied and are responsive to the particular needs of the community. For example, in Portland, Oregon, substantial crime and drug activity was occurring on rental property. As a result, the Police Bureau developed a training program which is proving effective. Over 4,600 landlords and property have attended the training. represently 85,000 rental units. Prior to the training twenty one percent reported having drug problems on their property within the past two years. In follow-up studies, 91% percent reported making changes in the way they manage their property. The landlords reported a reduction in enforcement and challenges them to engage in prevention activities to address crime and drug abuse. Issues such as fear of crime, neighborhood decline and decay become part of the mission of law enforcement and the role of the police officer is expanded to include proactive activities The Innovative Neighborhood Oriented Policing Demonstration Program (INOP) continues to be implemented in seven urban and suburban cities and 1992, the program was being expanded to four rural jurisdictions. This program is designed to apply principles of "neighborhood oriented policing broadens the role of law drug problems and an enhanced ability to deal with drug problems when they did occur.

While problem solving by beat officers is a common strategy in the INOP projects, other strategies being used include such things as mu agency neighborhood resource centers, mobile mini-stations, satellite offices in public housing projects, multi-agency service delivery projects, code enforcement/abatement, volunteer development and training, and community empowerment efforts.

A Technical Assistance and Training effort for the INOP projects was established to assist the sites in implementing their projects and to enhance the effectiveness of the program. This effort is being accomplished through a grant with the National Crime Prevention Council and the Police Executive Research Forum.

Intermediate Sanctions/User Accountability

Options include community-based incarceration, weekend incarceration, boot camp prisons, electronic monitoring, intensive probation, and any other innovative sanction that is an alternative to traditional modes of incarceration while effectively achieving its objectives. The program supports the following activities as defined by law: 1) four grants, using 80 percent of the available funds, in various geographical areas throughout the United States, to public agencies for correctional options demonstration programs (including the cost of construction) that provide alternatives to traditional modes of incarceration and offender release programs; 2) grants, using 10 percent of the funds, to public Correctional Options. In 1990, Congress authorized, but did not fund, the Corrections Options Program which provided BJA with the authority establish a comprehensive program of financial assistance to support the development of cost-effective alternatives to traditional modes of In 1992, Congress earmarked Byrne Discretionary Program funds to implement the Corrections Options Program. incarceration.

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operate, and support boot camp prisons; and 3) grants, using 10 percent of the funds, to private, nonprofit organizations to provide training and technical assistance to criminal justice personnel, and establish small innovative projects. agencies to establish,

testing and electronic monitoring are being used during community supervision. New Hampshire is implementing a new 60 bed Bridge program of intensive services; a new 50 bed Bypass program of modified shock incarceration; a high intensity supervision unit; and expanded pre- and postrelease programming in areas of substance abuse treatment, employment, vocational counseling, and work. Alameda County is implementing a comprehensive program of previously successful approaches with drug abusing offender populations, such as intensive supervision, Day Reporting Centers, and TASC, and providing services through a contralized location. Florida is implementing a comprehensive strategy of secure intensive residential treatment, remetry services, and supervised aftercare on an outpatient basis. The program includes: group counseling, relapse prevention, lifestyle/values re-structuring, and AIDS/HIV education and prevention. Haryland is enhancing its boot camps, work/pre-release, and home confinement programs and is developing day reporting and regimental housing programs. Dr Correction in Florida, Maryland, and New Hampshire. Demonstration Grants were awarded to Alameda County, California, and to the Departments of

offenders. The Cook County Boot Camp Project also provides an alternative to incarceration for youthful offenders. Inmates are given a split sentence of boot camp followed by probation. The program incorporates military-style discipline with an emphasis on responsible behavior and self-escene. Services available to the offender include: a therapeutic community, small group assistons, individual counseling, educational and other social services, and release planning. Rentucky's 50-bed Shock incarceration Unit is designed to "jolt" nonviolent first-time offenders into abandoning their criminal behavior. It offers discipline, education, physical training, plus individual and group counseling, with a Boot Gamps are being established by the St. Louis, Missouri, Medium Security Institution; the Cook County, Illinois, Sheriff's Department; and the Kentucky Department of Corrections. St. Louis' Boot Strap Partnership Program brings criminal justice and social service agencies together to provide substance abuse treatment, work, educational services, and mental/physical conditioning for 120 nonviolent, prison-bound youthful strong emphasis on substance abuse treatment.

develop standards that will help in guiding the future development and evaluation of correctional boot camps for both adults and juveniles. During 1992, BJA implemented a four part Correctional Options program, utilizing \$13,000,000 earmarked by Congress for this purpose. The first The National Institute of Justice has been provided funds from BJA to evaluate projects funded through the Correctional Options Program and to States will assess their existing correctional system, implement options to address gaps in the system and evaluate the effectiveness of the options. The second component provides training and technical assistance on the development and implementation of effective correctional options. The third component will develop and test a Youthful Offender Boot Camp Program as an intermediate sanction and the forth component will develop that will assist State officials with the development, operation and evaluation of correctional component will assist up to four states in providing alternatives to traditional modes of incarceration and offender release programs. boot camp programs.

trafficking or possession offense may be denied certain Federal Benefits. Benefits that can be denied include grants, contracts, loans, professional licenses or commercial licenses but do not include retirement, welfare, Social Security, health disability, vererans benefits, public housing or other similar benefits. The Office of Justice Programs (OJP) established a clearinghouse to receive notices from Federal and Section 5301 of the Anti-Drug Abuse Act of 1988, provides that an individual convicted of a State or Federal drug State courts of sentences that include denial of Federal benefits and to transmit them to the General Services Administration for inclusion in the <u>List of Parties Excluded from Federal Procurement and Nonprocurement Programs</u> (commonly known as the Debarment List) and to Federal a_{spen}cies. The Denial of Federal Benefits program has been implemented in Federal District Courts and the States of Rhode Island, California, Denial of Federal Benefits.

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Gangs and Violence

multijurisdictional enforcement projects to investigate and prosecute drug distribution by organized urban street-gang networks. The program targets gangs involved in mid-level crack cocaine distribution, which are expansionist and entrepreneurial in nature. It concentrates on influential and controlling gang members. The five sites which were selected to implement innovative approaches to suppressing drug trafficking by urban street gangs are: Atlanta, Georgia; Kansas City, Missouri; New York City, New York; San Diego, California; and Tucson, Arizona. The Institute for Law and Justice is analyzing the results of the initial five sites and developing a model approach/protocype for gang suppression and prosecution. The model will be demonstrated in two new sites: Kings County, New York and Fort Wayne, Indiana, in 1993. Urban Street Gang Drug Trafficking Enforcement Program. A Street Gang Suppression Model is being developed by BJA to help State and local law enforcement officials and prosecutors address drug trafficking by urban street gangs. The goal of the program is to develop citywide or

The Comprehensive Gang Initiative. A model to respond to both emerging and chronic gang problems is being developed under the Comprehensive Gang Initiative and will be supported by training and technical assistance to help local communities with implementation. The program is designed to bring law enforcement agencies at all levels together with the community to target gang leaders, share information, and conduct joint investigations and prosecutions. The goals of the program are to: identify promising/effective programs for preventing and controlling gang drug trafficking and violence: provide jurisdictions the capability to implement effective gang prevention and control programs; disseminate effective gang prevention and control programs; and create a model to respond to both emerging and chronic gang problems that carefully balances prevention and control strategies. Stage I of the initiative is a national assessment of existing local responses to the gang problem, drawing upon the expertise of community service and public safety organizations. During Stage II, the project team will develop a flexible problem-solving model which combines environment, pervention, and education strategies and which enables local communities to tailor the prototype to meet their needs. The assessment, model development and technical assistance stages of this program are being implemented by a consortium comprised of the Police Executive Research Forum (PERF) and COSMOS Corporation. During 1993, the comprehensive gang initiative model will be demonstrated in up to four sites which will be selected through a national competition.

Evaluation

Evaluation of Discretionary and Formula Grant Programs. The Bureau is working closely with the National Institute of Justice (NIJ) to coordinate the "Special Initiative on Drug Control Evaluation" Program to make the best use of limited resources for planning, designing, and conducting evaluations. NIJ has initiated over 50 national level evaluations of BJA's Formula and Discretionary Grant Programs since their partnership began in 1989. In a continuing effort to assist the States in building their evaluation capabilities, BJA and NIJ will begin providing a new series of Evaluation Workshops beginning in 1993. Some of the new evaluations initiated in 1992 include:

Weed and Seed Program: A Process Evaluation Weed and Seed Prosecutors Information System Drug Market Analysis: An Enforcement Model Roys and Girls Clubs in Public Housing Evaluating the Family Violence Act Corrections Demonstration Projects Weed and Seed Program Case Studies Gangs and Targets of Intervention Youthful Offender Boot Camp

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Situation Crime Preventions. An Evaluation Review Violence Programs in Hiddle Schools Stratesic Intervantion for High-Bick Vanth In addition, BJA has made a number of awards for the evaluation of specific discretionary grant activities, such as the Criminal History Records Improvement Program and the National Crime Prevention Campaign.

Each summer since 1990, BJA and NIJ have convened an annual National Conference on "Evaluating Drug Control Initiatives," with proceedings of the conferences disseminated in the fall of each year. The conference provides a forum for presenting evaluation findings and sharing information about what works and why. It brings together BJA and NIJ grantees performing evaluations under the Discretionary Grants Program, as well as Federal, State, and local individuals responsible for program implementation and evaluation.

activities and demonstrations. Evaluation results from programs initiated during the first few years of the program are now becoming available. The program evaluation process can take several years to complete, as time must be allowed for the program to be implemented and become fully operational, for data to be collected and analyzed, and for findings to be developed and presented. In 1992, BJA began publication of a series entitled Focus on What Works. This series includes brief reports covering major Federal. State, and local assessment, research, and evaluation BJA's Justice Assistance Bulletin and Special Analysis Series inform policymakers and practitioners about promising and successful program results, presented in layman's language.

BJA established the State Reporting and Evaluation Program (SREP) to develop and/or enhance the capacity of the States to monitor, measure, and evaluate the impact of their strategies, programs and projects. The program also collects consistent, comparable program data from all States and analyzes and reports on program performance. Evaluation Guidelines consist of a series of documents providing direction and assistance on conducting an evaluation and reporting results. The first guidelines document, Evaluating Drug Control and System Improvement Projects, which established the overall framework for the evaluation program, was published in August 1989. In June 1992, the second evaluation guidelines document, State Monitoring of Subgrants Under the Drug Control and System Improvement Formula Grant Program, was published and distributed. State Project Reporting System, published in August 1992, was produced to assist State and local agencies in meeting their reporting requirements.

Prevention and Education

Drug Abuse Resistance Education (DARE) Program. By the end of 1992, over 14,500 law enforcement officers have been trained to teach DARE by, or with assistance of, the five Regional Training Centers. Over 12 million elementary and junior and senior high students in the United States have received DARE training. The DARE Program has also been delivered in Australia, New Zealand, Canada, America Samoa, and Puerto Rico and is continuing to be administered in Europe by the Department of Defense for dependents of servicemen and servicewomen. In 1990, DARE training was expanded to include a component to provide drug use prevention training for parents Development was completed during 1991 and training was provided by the Regional Training Genters during 1992.

National Citizens Crime Prevention Campaign. This program continued during 1992 under a cooperative agreement with the National Crime Prevention Council. The campaign consists of public service drug and crime prevention advertising with approximately \$50 million in donated air time and print space_idemonstration programs focusing on community involvement in drug prevention dissemination of crime and drug prevention materials, technical assistance and training programs, and coordination of the 136-member Crime Prevention Coulition. During 1992, the major focus of the Campaign was on community and police partnerships to reduce crime and drug abuse. This message was featured in air and print

McGruff public service ads, ten national and State co-sponsored technical assistance and training workshops and three national drug demand reduction workshops for police chiefs and sheriffs. Through 1992, more than 420,000 publications on the prevention of crime, violence and drug use have been distributed nationwide.

1989, recognizing that churches must become more infinately involved with communities as well as municipal and county service providers, if progress is to be made in the war against drugs and violent crime. Dedication to reestablishing a sense of community pride in drug-infested more phosphate the attention of the President in October 1990, when he selected the Wings of Hope Anti-Drug Program as his 284th Point of Light. Light, Intically funded by BJA in 1991, the SCLC modified Atlanta's program to more effectively involve the criminal justice system in a multifaceted effort to reestablish three African American neighborhoods. The program focuses on minority populations in three high-risk neighborhoods in the greater Atlanta, Georgia, metropolitan area. The purpose of this comprehensive church-based prevention program is to demonstrate the validity of partnerships and coalitions in the development and implementation of innovative community-based strategies to reduce crime and the demand for illicit drugs. BJA funded this program in 1992 so that SCLC can continue its work in both the development and implementation of anti-crime and drug abuse initiatives in the three high risk neighborhoods. The Wings of Hope Program vill be implemented at The Southern Christian Leadership Conference (SCLC) developed the Wings of Hope Anti-Drug Program in April Weed and Seed sites, in close coordination with the Weed and Seed initiative.

Multi-Jurisdictional Task Forces

property with an estimated value of over \$1 billion between their inception in 1987 and September 1992. The seizures included drugs with a street value of over \$927 million. The goal of the OGN Program is to enhance, through shared management of resources and operational decision-making, the ability of local, State and Federal criminal justice agencies to remove specifically targeted major narcotics trafficking conspiracies and offenders through investigation, arrest, prosecution and conviction. Each of the 20 GON task forces includes State and/or local lay enforcement agencies, a prosecuting attorney, and the United States Drug Enforcement Administration. The participation of a prosecuting agency ensures the incorporation of prosecuting scences include local prosecutors' offices, the State attorney general and/or the Organized Crime Narcotics Trafficking Enforcement (OCN) Projects arrested over 13,580 mid and high level criminals and seized drugs, cash and United States Attorney. The Center for Task Force Training (CenTF) was funded as part of the OCN Program in May, 1991. The purpose of CenTF is to provide training in support of the Anti-Drug Abuse Act Formula and Discretionary Grant programs in the area on multijurisdictional task force approaches to narcotics trafficking, including the management of investigations and prosecutions, and expanding the provision of training to non-OCN task forces. During the provision for 1991, through 1992, 27 CenTF basic workshops for narcotics task force commanders were conducted in various regions throughout the United States. Each workshop lasted 2 1/2 days. Over 850 individuals were trained.

Washington, D.C. Metropolitan Area Drug Enforcement Task Force (MATF). MATF, designed and organized in 1989 to demonstrate, through coordinated planning and operations, the ability of Federal, State and local law enforcement agencies to suppress narcotics and illicit drug trafficking and the violence associated with it in a major metropolitan area. The Arlington County, Virginia. Police Department, in collaboration with DEA, is the host agency. Cities and counties from northern Virginia and the suburbs of Maryland contiguous to Washington, D.C., participate with officers from Federal agencies. Between June 1, 1990, and the end of 1992, the D.C. Metro Area Task Force initiated 478 investigations, resulting in 2,033 arrests, and the seizure of 150 kilograms of crack/cocaine. MATF also seized currency and property valued at over \$11

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The Financial Investigations (FINVEST) Program was initiated in 1988 as a demonstration effort to develop and implement centrally coordinated multipuisodictional financial investigative activities directed to removing the profit incentive from drug traffickers. The program involves detecting and inancials selected with the proceeds from drug trafficking, tracing narcotics-related financial transactions, analyzing the anowement of currency relative to illegal drug trade, identification of criminal financial structures and money laundering schemes, and asset forfeiture administration. Emphasis is on the establishment of an interdisciplinary response to commonly shared major crimes related to drug trafficking conspiracies throughout a regional area. Critical to the program design is a shared management system of intergovernmental law enforcement and prosecution resources. The 12 FINVEST projects seized more than \$22.5 million in drugs, \$40 million in property, and \$31 million in currency between their inception and 1992.

Asset Forfeiture Training for Prosecutors. The purpose of this program was to assist prosecutors through training on how to implement an effective, comprehensive State asset forfeiture statute incorporates the advanced property seizure and Attorney Association (NDAA) and Department of Justice (DOJ) experts in drafting comprehensive State asset forfeiture and money laundering statutory provisions. This task force's work has resulted in the development of a model State asset forfeiture statute that has already been adopted in several States. APRI has now developed an advanced training program based on this model statutue's enhanced property forfeiture provisions to train 500 to 1,000 individual prosecutors during 1993. The training focuses on such topics as case law, effective investigative techniques, tracing assets through financial institutions, uncovering hidden assets, coordinating with other enforcement agencies, protecting forfeiture concepts that have been identified in the recently developed "model State asset forfeiture statute" (MAFSA). The American Prosecution Research Institute (APRI) led a task force consisting of National Association of Attorneys General (NAAG), National District innocent third party interests, and ethical issues. The Utilization of State Civil RICO and Civil Remedies Statutes to Interrupt Enterprises Trafficking in Illegal Drugs Program is being conducted through grants to the National Association of Attorneys General and four States. This project supports technical assistance, training and an information clearinghouse on the effective use of State civil Racketeer Influenced and Corrupt Organization (RICO) statutes as a litigation tool to interrupt illicit drug trafficking enterprises. A Civil RICO Pleading Hanual, which provides new civil litigators with a madel for constructing a RICO case, has been published and distributed. In addition, four demonstration projects are testing different approaches using Individual states' Civil RICO statutes, the results of which will be used to develop a prototype or model for replication throughout the States. The program has published a monograph entitled Establishing a Civil RICO Unit Within the Office of the Attornay General; updated and published the Civil RICO Heading Index and Pleading Hanual; created and distributed to all attorneys general a eleven-part video and audio cassette training series covering forfeiture strategies, use of RICO, and conducting financial investigations and money laundering prosecutions; and developed a RICO Starter Kit for attorneys general seeking to enact a RICO statute and set up a RICO Unit.

Local Drug Prosecution Program supports the National Drug Control Strategy which challenges local prosecutors to become more involved in program areas such as user accountability, street-level enforcement, asset forfeiture and deferred prosecutions. This program administered by the National District Attorneys Association's Center for Local Prosecution of Drug Offenses assists local prosecutors in evaluating and implementing a variety of policy and program options. The Center collects and disseminates information on effective prosecution approaches and functions as a clearinghouse for all types of information of interest to drug prosecutors including training materials, exemplary programs and model drug legislation. Information is provided on model legislation in such areas as asset forfeiture, money laundering, user accountability, precursor chemicals, and denial of Federal benefits. The Center responds to a wide variety of inquiries ranging from the case specific, such as trial techniques, to issues concerning organizing the community against drugs.

Community-based Programs

The National Town Watch Crime and Drug Prevention Campaign, most commonly referred to as "National Night Out," has been recognized by President Bush. It is administered by the National Association of Town Watch, Inc. This Campaign is the culmination of a year-long effort of coalition and partnership building that promotes the implementation of neighborhood crime and drug abuse initiatives. In 1992, the Campaign involved a record 25.2 million people who coordinated crime and drug control activities in 8,500 communities from all 50 States, U.S. Territories, many Canadian cities, and at U.S. military bases around the world. Boys and Girls Clubs Demonstration Program is designed to expand the number of Boys and Cirls Clubs in public housing, and to build a system of . networking and referral which provides youth living in public housing access to comprehensive children's services. Many public housing projects in this country are located in crime- and drug-ridden neighborhoods. Children residing in these projects typically have few opportunities to engage in organized recreational, educational, sports, social or vocational activities outside of school. The Boys and Girls Clubs of America, Inc., has undertaken this major effort to provide the youth who live in public housing with opportunities to participate in productive activities. An evaluation of past efforts showed that youth in public housing who participate in Boys and Girls Clubs become more involved in after-school activities that reduce the risk of involvement in delinquent behavior and drug abuse. Twelve new clubs have been established and programming has been enhanced in eight additional clubs.

Addiction and Substance Abuse, and the Office of Juvenile Justice and Delinquency Prevention. A joint effort was funded to test an intervention strategy for reducing and controlling illegal drugs and related crime in the target area, and fostering healthy development among youth from drug and crime-ridden neighborhoods. Program guidelines were issued, and demonstration grants were awarded to Bridgeport, Connecticut; Seattle, Washington; Hemphis, Tennessee; and Austin, Texas. Savannah, Georgia and Newark praces yill be added as demonstration sites in 1993. The infitial four sites have started to implement community policing and prevention/intervention projects focusing on youths 11 to 13 to deter drug Strategic Intervention for High Risk Youth Program is being implemented through a public-private partnership between BJA, the Center on abuse and delinquency.

Drug Testing

Hontgomery County (Dayton), Ohlo, are establishing programs to demonstrate the effectiveness of drug testing offenders at each stage of the criminal justice process. The Drug Testing Throughout the Criminal Justice System Program is designed to demonstrate a comprehensive offender management system using drug testing to identify and monitor drug-abusing arrestees/offenders throughout the process. The Multnomah County Program illustrates the various points in the system where drug testing can be used to make decisions about the offender. It is designed to process a high number of drug samples and evaluations daily and to disseminate the results to the case managers in an expedient manner. Positive drug tests or noncompliance with the conditions of release result in referrals to treatment, notification to the court, and/or a revocation hearing. Populations served by the program include: pretrial release clients with identified substance abuse problems; high-risk probationers and parolees; participants in a women's drug treatment program; participants in a program female offenders; and system encompassing all stages of the criminal justice process, from pretrial to supervised release. Multnomah County (Portland), Oregon, and The Drug Testing Throughout the Criminal Justice System Program, is designed in four components, each dealing with a different element of the criminal justice system: the Pretrial, Probation and Parole, Correctional Drug Testing and Interdiction Component, and a Model Demonstration Site Component which provided financial assistance to jurisdictions, including statewide efforts, to demonstrate a comprehensive drug testing participants in a work camp program.

Drug Testing Technical Assistance and Training

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During 1992, BJA continued to sponsor training based on the American Probation and Parole Association's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies. The training has provided administrators and program personnel with the knowledge and skills necessary to develop and implement a drug testing program. Over 450 administrators and line probation, parole, and treatment providers have participated in seminars designed to provide a thorough understanding of the process and elements required to establish a systemwide drug testing program. The training seminar, entitled "A Systemwide Approach to Drug Testing for Criminal Justice," is jointly administrated by the American Probation and Parole Association and the Pretrial Services Resource Center. Then Probation and parole agencies have been selected from seminar participants to receive technical assistance and a small grant of up to \$5,000 to enhance their drug testing program. Each jurisdiction is testing at least 125 offenders for drugs over a 6-month period to demonstrate the benefits of conducting an effective drug testing program. The funds are used to purchase drug testing supplies and services.

Court Delay Reduction

Differentiated Case Management. A significant reduction in case processing time was achieved in both criminal and civil courts that implemented the Differentiated Case Management (DCM) model. For example, the DCM program in Pierce County (Tacoma), Washington, which targeted drug cases, reported a significant decrease in case processing time despites a 50 percent increase in drug caseload. Benefits derived from the more efficient processing of cases include of 90 percent decrease in the number of bench warrants issued for noncustody defendants and a reduction in pretrial detention days. The DCM program in Detroit/Mayne County, Michigan, reported a 38 percent increase in productivity as measured by the number of cases disposed of per judge. The DCM model requires early case evaluation by both the court and the attorneys: classification according to case processing complexity and priority; assignment of each case to appropriate "tracks" or "plans"; establishment of event deadlines and adherence to all schedules; and continuous monitoring of each case. BJA selected five courts to develop and test the DCM model. A Program Brief, which will assist other jurisdictions with implementation of the DCM model, was under development in 1992.

adjudicated. Philadelphia experienced a 26-percent reduction in the average number of days from arraignment to disposition for felony cases and a 36-percent reduction in the average number of jail bed days for precrial detainees. This translates into a savings of about 230,000 jail bed days over an 18-month period, or 420 beds per day. Efficiencies such as prioritizing the work of the crime lab and/or providing fax machines between the court, the crime lab, and the criminal records division were also implemented. As agencies became more efficient, the productivity of the staff increased along with their commitment to the program. Expedited Drug Case Management. The success of the DCM program, discussed above, gave rise to the Expedited Drug Case Management (EDCM)
Program, which applies the DCM concepts to the adjudication of drug cases. Philadelphia's participation in EDCM was prompted by an effort to deal with a 7,000 drug-related case backlog. The EDCM program assigned all new filings in the Felony List Program to one of four time tracks, based upon the speed with which adjudication and disposition could be expected. Within 8 months, 4,455 cases in the program had been

of the Courts to implement a EDCH program in Middlesex County. Three tracks were established for the EDCH program: Track A, cases with the theilhood of incarceration; Track B, no incarceration, place of guilty likely; and Track C, cases to go to trial. The program that evolved is the direct result of a collaborative effort by the court, prosecutor, and public defender to establish and implement an entirely new concept of case management. The average time from drug case initiation to disposition in Middlesex Councy, New Jersey, decreased 66 percent, from 238 to 81 days, as a result of increased efficiency achieved under the EDCM Program. Marion County (Indianapolis), Indiana, was the third site Increasing caseloads and a growing concern over delays in processing drug-related criminal cases prompted the New Jersey Administrative Office

Drug Night Courts

The Drug Night Courts Program is assisting courts in expediting the adjudication of large numbers of drug cases and saving jurisdictions the tremendous expense of capital expansion by using existing courtrooms to add an evening shift. The goals of the Drug Night Court Program are to identify and assess the effectiveness of courts that have extended operations into the evening, develop prototype strategies, and develop training materials to assist interested courts in effectively expanding their hours of operation.

The assessment phase of the program addressed issues raised by the American Bar Association about the productivity and quality of justice in drug night court operations. Court administrators, chief judges, district attorneys, and chiefs of public defender offices in the 50 largest cities have been surveyed by mail to assess their receptivity to drug night court operations and the potential obstacles to such operations. The assessment identifies both the benefits and the drawbacks of drug night courts. A prototype drug night court design and program guide is being developed for dissemination to interested courts. In addition, a training program being developed will address: staffing the drug night court, case selection criteria, financial incentives, special needs assessment for night court cases, coordination with other court services, and program evaluation. The Structured Fines Program is being implemented to demonstrate the use of fines as an effective intermediate sanction for offenses. The results from a pilot experiment conducted by the National Institute of Justice (NIJ) in Staten Island, New York, and a fines program in Arizona suggest that properly administered structured fines provide a timely, meaningful, and credible intermediate sanction for many felony and misdemeanor offenses. Abjectualished Structured Fines Programs in Connecticut. lows, and Oregon are demonstrating strategies for applying and enforcing structured fines in felony and misdemeanor cases. Critical program elements that have been incorporated into these programs include: sentencing standards, case screening, monitoring, fine collection, and enforcement of compliance. Fines are applied to a broad range of established sanctioning appriors that are less stringent than jail, yet punitive and enforceable. The Vera Institute of Justice was awarded a grant to develop a prototype of the program, provide training and technical assistance to the demonstration sites, evaluate the effectiveness of the structured fines program, and produce a program implementation guide.

The Trial Court Performance Standards are comprised of 22 standards to guide and govern trial court performance and to assist the courts in improving their performance through self-assessment and self-improvement. The Trial Court Performance Standards are being tested in six states where the standards and the accompanying measurement system is being implemented. The National Center for State Courts administers a program to: help the partificipating states and trial courts respond more effectively to the volume of drug cases; implement the standards in six states; continue to refine and adapt the measurement system; and encourage and facilitate acceptance of the Standards and measurement system as useful tools of judicial administration.

Improved Information Systems

Criminal History Records Improvement Program: In the third year of the Attorney General's Criminal History Record Improvement (CHRI) Program, BJA continues to financially support the States' efforts to enhance their criminal history record systems. This \$27 million program is administered by the Bureau of Justice Statistics (BJS) and evaluated by BJA. The CHRI Program assists States in improving the use of criminal history record information throughout the Nation. Currently, all 50 States, the District of Columbia, and two territories are participating in

accurately identify convicted felons; and achieving compliance with the Federal Bureau of Investigation/BJS voluntary reporting standards. The program is designed to make systemic improvements in the data quality and completeness of state criminal history record information;

Criminal history records are the most widely used records within the criminal justice process. They are a primary source of information vital to making decisions for both criminal and, increasingly, non-criminal purposes. The current program serves to improve state criminal records and enhance the country's ability to stop the sale of firearms by licensed dealers to felons. A number of Statos have been successful in significantly improving their criminal history records systems along with achieving various other innovations. The following table shows the types of improvements the States are implementing.

ACELYALY	Percent of States
Improve Reporting	93
Purchase Equipment	72
Identify Felons	26
Add to Computerized Criminal History (CCH)	53
Data Conversion	42
Participate in Interstate Identification Index (III)	07
Backlog Reduction	35
Increase Automated Master Name Index	28
Establish CCH	14

BJA provided a grant to Queues Enforth Development, Inc., a Cambridge, Massachusetts, research firm, to evaluate the CHRI Program. The impact evaluation will include all States and will be followed by an intensive, systemic evaluation of three to five States that have been particularly successful in improving their records. Evaluation work is slated for completion in February 1994.

that seriously lag in their adoption of criminal justice automation. SEARCH Group, Inc., continues the existing program of outreach training to criminal justice practitioners, and outreach technical assistance. During 1992, the National Consortium for Criminal Justice Automation Training and Education, which has established maicrocomputer-equipped training facilities used as regional training laboratories, was used to expand the range of training offered to justice agency personnel in isolated and remote areas of the country who would otherwise be unable to travel to the National Training Labs to obtain necessary computer training and technical assistance. understanding of microcomputer automation; to disseminate information to criminal justice practitioners and demonstrate specific criminal justice applications; to provide short-term technical assistance in order to address the specific needs of operational criminal justice agencies; and, to provide long-term technical assistance to individual States or agencies within States that are predominately non-automated or general level of knowledge and to improve the The purposes of this program are: Training and Technical Assistance Operations Systems Support.

DISCRETIONARY PROGRAM - WORKLOAD AND ACCOMPLISHMENTS

The following is a summary of the workload and accomplishments related to the administration and monitoring of the discretionary grant program achieved during the past year:

established and staffed to review and make funding recommendations for applications submitted in response to a competitive program Panels of experts were BJA received and reviewed 241 applications for discretionary grant funds and made 153 awards during 1992. announcement.

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- o During 1992, discretionary grant program managers administered approximately 200 active grants.
- On February 6, 1991, the OJP Assistant Attorney General issued an OJP Notice regarding new monitoring policies and procedures. In response to the AAG's directive, policies and procedures were developed for the monitoring of BJA's discretionary grants to ensure that the grants are adequately monitored and results are documented. The monitoring procedures implemented during 1991 require that a program implementation plan and a monitoring plan be included in the award package that is developed by the program manager as applications are reviewed. Procedures have been defined for desk review and tracking, for maintenance of the grant files, for documentation of phone contacts and for on-site visit. Appropriate forms and checklists have been developed to ensure consistency and documentation of the activities. There will be an increase of the frequency of on-site monitoring and documentation of the results of monitoring activities.
- ĕ Discretionary programs are designed to test new programs and practices and to provide guidance to States for replication of effective programs with formula grant funds. Over 180 documents have been published by BAA and its grantees, including 17 program briefs, 2 implementation manuals, 29 monographs, and 16 fact sheets. The BAA Clearinghouse has distributed almost 250,000 copies of these ubblications between the time it was created in mid-1990 and September 30, 1992. In addition, the Clearinghouse responds to an average 315 requests per month for criminal justice information and research on drug control issues.

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LONG. BANGE COAL: To improve the investigation and prosecution of child abuse nationwide through the provision of training, publications and technical assistance services.

MAJOR OBJECTIVES:

To improve the quality of local and Federal child abuse prosecution by assisting the elected or appointed prosecutor in identifying and implementing improved policies, procedures, and management practices of the office. To bring knowledge and expertise of the prosecutorial community to the attention of other organizations and disciplines that share responsibility for the handling of child abuse. When these organizations make policy, develop programs, and devise strategies related to child abuse, they should do so with an understanding of the concerns and problems of the prosecutor in handling the criminal aspect of these cases.

To keep State and Federal prosecutors abreast of the state-of-the-art of child abuse prosecution by assisting them in identifying and meeting training necds of prosecutors and by assisting them to understand the impact of legislation relating to child abuse.

To bring knowledge and expertise of the various disciplines involved in child abuse (legal, medical, etc.) to the attention of the prosecutorial community in a systematic manner.

To formulate policy that can guide the activities of local jurisdictions and Federal prosecutors in responding to child abuse.

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APRI Conter provides publication services, training, and technical assistance to prosecutors and other professionals involved in the prosecution of child abuse at the State, local and Federal levels. The Center's staff attends conferences and workshops throughout the country to train on techniques for the effective prosecution of child abuse. In addition to other relevant publication services, the Center has finalized a second edition of its Investigation and Prosecution of Child Abuse manual and is completing a Federal supplement to the manual in order to provide the Office for Victims of Crime (OVC) to the Office of Juvenile Justice and Delinquency Prevontion (OJJDP). In 1992, Congress appropriated \$1,500,000 for a grant to the American Prosecutor Research Institute's (APRI) National Center for the Prosecution of Child Abuse (Center). The iegislative, procedural and substantive assistance to Federal prosecutors of child abuse. APRI's Center serves as an information clearinghouse In 1992, amendments to the Victims of Child Abuse Act of 1990, P.L. 101-647, changed the administering agency from or prosecutors, social workers, therapists, law enforcement, and clinicians involved in the prosecution of child abuse. RASE PROGRAM DESCRIPTION:

<u>ACCOMPLISIMENTS AND WORKLOAD</u>: Since the award to APRI on May 4, 1992, the following tasks have been accomplished:

- Drafted a twelve-page publication entitled "Pointers on Multi-Victim, Multi-Perpetrator Gases".
- Presented a session on "Prosecution of Child Abuse Deaths: Statutory Reforms" at the National Symposium on Child Victimization in Washington, D.C., May 19-22.
- Completed an initial draft of a Federal supplement to the Center's "Investigation and Prosecution of Child Abuse Manual"
- Presented two "Basic Training for Child Abuse Prosecutors" courses, with emphasis on registering Federal prosecutors of child abuse.
- o Printed and distributed a monograph entitled "Pregnant Drug Users: The Debate Over Prosecution".
- o Participated in forty training forums and conferences involving child abuse issues.

Initiated an effort to revise and update the "Investigation and Prosecution of Child Abuse Manual · Second Edition".

- o Released April/May edition of newsletter "Update".
- Expanded special data collections on expert witnesses, child homicides, State statutes, DNA, religious defenses, etc.
- Presented the third national conference on "Investigation and Prosecution of Child Deaths and Physical Abuse" in Corpus Christi, Texas
- Released April/May edition of newsletter "Update" featuring an article on the prosecution victory in the "Little Rascal's" case. The June issue focused on child fatalities and domestic violence. The July, August and September issues included conference updates, an article on the False Memory Syndrome Foundation, and a report on the development of the Federal Supplement. Approximately 7,000 copies of each of the
- Responded to over 1,876 technical assistance requests from Federal, State and local prosecutors, victim advocates, victims, legislators, media, rescarchers, and professionals in the area of child abuse. c

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ANGE-RANGE COAL: To develop, refine, and implement model training and technical assistance programs to improve the juvenile and family courts' handling of abuse and neglect cases and to design model programs to help state court systems improve:

- o Procedures for determining whether child service agencies have made reasonable efforts to prevent placement;
- Procedures for determining whether child service agencies have, after placement in fostor care, mady reasonable efforts to reunite families;
- Procedures for coordinating information among health professionals, social workers, law enforcement personnel, prosecutors, defense attorneys, and juvenile and family courk personnel.

MAJOR OBJECTIVES:

To develop resource guidelines for the juvenile and family courts' handling of abuse and neglect cases.

To develop a comprehensive training curticulum designed to improve the judicial aystem's handling of abuse and neglect cases.

To devalop a technical assistance package that will allow for the transfer of preferred practice and resource guidelines to other juvenile court jurisdictions to improve the effectiveness of processing child abuse and neglect cases.

BASE PROCRAN DESCRIPTION: This new program, Judicial Child Abuse Training, was authorized by Section 221(a) of the Victims of Child Abuse Act of 1990, P.L. 101-647. The program is administered by the Office of Juvenile Justice and Delinquency Prevention. The program was first funded in 1992, when Congress provided \$500,000 for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the court system's handling of child abuse and neglect cases.

A comprehensive set of resource guidelines is needed by the Nation's juvenile and family courts to highlight a fundamental lack of resources and other institutional barriers to conducting careful and complete hearings and issuing subsequent court determinations. The resource guidelines will address the who, what, why, when, and how of each court proceeding. They will describe what cach hearing should cover, who should be allowed for the hearing. The resource guidelines will include recommendations applicable to all courts. To resource guidelines will be organized to include practical suggestions on how to improve efficiency, streamline court proceedings, and marshal additional resources.

A training curriculum will be developed for judges and other professionals involved in decision-making regarding abused and incherentering critical training units will be identified and core curricula will be devised for application to interdisciplinary programs involving judges, court personnel, attorneys, social service representatives, and other child welfare professionals.

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Included in the technology transfer of a technical assistance package will be a menus to measure a court's performance in improving practice. Two intensive demonstration projects will be established in two additional jurisdictions to test the utility of findings from the initial demonstration project in insulation County, Cincinnati, Ohlo. The specifications for a dependency anangement information system will be completed and documented, and a continum of technical assistance responses, ranging from materials to the capacity for on-site consultation, will be

ACCONPLISHMENTS AND WORKLOAD: Accomplishments toward developing resource guidelines include the following:

developed.

- A Resource Guidelines Committee, consisting of judges and other nationally-recognized experts, was established.
- An initial Resource Guidelines Committee Mecting was conducted on July 13, 1992, in Charleston, South Carolina. Among topics and materials examined were the sequence of hearings typically engendered by the filling of a petition alleging child abuse or neglect; a description of court proceedings at each type of hearing; an overview of court functions in abuse and neglect matters; and a list of potential participants in hearing proceedings was also developed to help define procedural deficiencies in juvenile and family court operations.
- Identified and appointed seven judges with diverse rural and metropolitan jurisdictions to a Resource Guidelines Development Committee. Selected five national consultants to advise committee deliberations.
- Federal, State and jurisdiction-specific duties imposed on the judiciary by statute and administrative rule governing child abuse and neglect. Examined the need for national guidelines to enable juvenile and family court systems to proficiently fulfill government's obligations to abused and neglected children and their families. Developed introductory statement examining judicial responsibilities in court processing of child abuse and neglect cases.
- Drafted a comprehensive set of Resource Guidelines detailing judicial responsibilities at the Shelter Care Hearing, the first court procedure in a juvenile abuse or neglect case, referred to in some jurisdictions as a "detention hearing," or "emergency removal hearing."
- Outlined preliminary content of a judicially-based training curriculum to be used to implement the Resource Guidelines through a continuing series of judicial education programs. 0

OJJDP is in the process of developing a training curriculum with an extensive review of existing training materials on abuse and neglect currently underway.

The following are accomplishments of OJJDP toward developing a technical assistance package:

- Developed a resource library of documents related to the handling of child abuse, neglect and dependency cases by the juvenile justice system. Library documents encompass a wide spectrum of currently court-involved cases to be used during implementation and transfer activities.
- Analysis Conducted a functional analysis of the processing of abuse, neglect and dopendency cases in Hamilton County (Cincinnati), Ohio. emplasized the flow of children and families and related data within the court system and vithin relevant agencies: s

- Documented and described the processing of abuse, neglect and dependency cases in the Hamilton County Department of Human Services's Family and Children's Services Division. Specifically described the role of every major service, legal and administrative unit's personnel from coordinator to line-staff.
- Documented and described the processing of abuse, neglect and dependency cases through the Hamilton County Juvenile Court. Specifically described the roles of referees, the director of the dependency unit, and case managers. ف
- Documented and described the role of public defenders in handling court-involved abuse, naglect, and dependency cases.

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- Documented and described the role of guardians ad litem and Court Appointed Special Advocates (CASAs) with respect to court-involved abuse, neglect and dependency cases.
- Documented current juvenile court data collection efforts for court-involved abuse, neglect and dependency cases.
- Developed requirements and specifications for an automated information system for the Hamilton County Juvenile Court for court-involved dependency cases. ij

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1993 Appropriation Anticipated	Pos. YY Amount	348 348 \$27,219
1993 Appropriat	Ħ	348
1993	Pos	348
		ctivity: Management and Administration
		Activity

LONG-RANGE GOAL: To administer programs in the most effective and efficient manner possible.

HAJOR OBJECTIVES:

To provide executive direction, control and coordination over the wide array of OJP programs

To develop an annual research and development program plan.

To manage and analyze results of individual research programs and monitor all current research projects.

To conduct in house research on timely topics and provide policy briefings to senior officials.

To develop program models describing strategies to prevent and reduce crime.

To produce and disseminate policy-relevant research findings to criminal justice officials and agencies at the Federal, State, and local levels.

maintain an effective, responsive criminal justice reference service.

To collect, analyze, and publish statistical information on crime and the operations of the justice systems at all levels of government.

To manage major national statistical series regarding crime, its victims, and the operation of the justice system.

To develop national standards for justice statistics to ensure the inter-State comparability, reliability and validity of justice statistics.

To provide support to State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice

To develop statistical reports, focused analytic reports, bulletins and national advisories aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.

To provide technical assistance to eligible institutions, agencies and individuals regarding implementation and operation of programs

To direct and administer the Federal Surplus Property Transfer program and Private Sector/Prison Industry Enhancement Certification program.

To process and determine eligibility of claims for payment of benefits under the Public Safety Officers' Benefit program within two weeks of receipt of complete claims documentation.

To direct and administer the Anti-Drug Abuse program.

흕 To direct and administer the Emergency Federal Law Enforcement Assistance program, the Regional Information Sharing System program and Mariel Cuban's program.

To direct and administer the Juvenile Justice programs and Missing Children's program.

To develop, refine, and implement model training and technical assistance programs to improve the juvenile and family courts' handling of child abuse and neglect cases.

To administer a program that provides grants to eligible crime victim compensation programs and a program that awards grants to States to provide victim assistance programs, and provide technical assistance to grantees.

To direct and administer a program that improves services to victims of Federal crimes.

To direct and administer a program that will improve the investigation and prosecution of child abuse on Native American reservations.

To direct and administer national scope training and technical assistance projects and a training and technical assistance program aimed at eligible State crime victims programs. To direct and administer a program designed to advance the investigation and prosecution of child abuse cases and a program that establishes and expands victim assistance services for crime victims in Indian Country in areas where the Federal Government has authority to investigate and prosecute crime.

To direct and administer a training, technical assistance, and dissemination program aimed at improving the law enforcement response to family

prepare and disseminate program solicitations; review applications, concept papers or proposals; rate applicants and award grants, contracts, and cooperative agreements. 2

To monitor all active grants, contracts, cooperative agreements, and interagency agreements.

To prepare annual reports as required.

To close out grants and contracts within 180 days of their end-date.

To provide grant review and award functions in the most economical and efficient centralized manner.

To provide the full range of support services to the program offices.

BASE PROCRAN DESCRIPTION: The Office of Justice Programs (OJP) carries out policy coordination and general management responsibilities for the Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). Since the functions and responsibilities of the five program bureaus and offices are described in the justifications for those programs, they are not repeated here.

ACCONPLISHMENTS AND WORKLOAD: The following table reflects some of the major workload and accomplishments of the Office of Justice Programs

	•		Estimate	timate
Lice	1991	1992	1993	1994
Grants and contracts awarded by NIJ	02	96	96	96
Policy reports prepared and published by NIJ	33	35	35	35
Research, development and evaluation projects monitored	175	137	137	137
Criminal justice conferences and workshops sponsored by NIJ	71	18	20	20
Responses to requests for criminal justice information.	42,500	39,710	39,710	39,710
Statistical bulletins, special and technical reports, press releases	25	23	50	20
Other statistical reports prepared and published by BJS	15	77	30	2
Statistical reports disseminated (in thousands)	785	1,130	1,240	1,350
Responses to telephone requests for statistical information	13,000	16,000	18,000	20,000
Juvenile justice formula grants awarded	99	2 6	27	57
Juvenile justice special emphasis grants awarded	30	31	31	31
National institute of juvenile justice grants awarded	27	56	27	27
Prevention and treatment programs relating to juvenile gangs and drug abuse				
and drug trafficking	13	19	18	18
Juvenile justice active grants monitored	200	200	250	250
Juvenile Justice interagency agreements entered into	•	4	~	~
Information/dissemination projects	-	m	~	7
PSOB claims closed.	255	300	300	300
				99

			5	Estimate
Iten	1881	1992	1993	1994
PSOB appeals closed	12	12	17	20
Victim correspondence	3,600	3,700	3,800	3,900
Grant awards to victim compensation providers	175	97	67	20
Grant awards to States for victim assistance programs	57	57	23	57
Victim technical assistance to improve services to victims of Federal crimes	300	300	300	300
Grants to provide information, dissemination and training aimed at improving the law				
enforcement response to family violence	9	12	12	S
Grant awards to Federally recognized Indian tribes to improve investigation and				
prosecution of child abuse	20	50	e	2
Grant awards to States to expand assistance for victims of Federal crime in				
Indian Country	15	15	15	15
Grant awards to fund the provision of training and technical assistance to victim				
service providers and components of the criminal justice system	4	7	7	4
Grant award to improve the investigation and prosecution of child abuse	:	-		-
Funding requests approved to meet emergency needs of victims of Federal crime	19	20	70	20
Anti-drug abuse formula grants awarded (number of States)	26	98	99	98
Anti-drug abuse formula grants managed	168	168	168	168
Technical assistance provided to State and local governments by BJA (instances)	200	700	006	006
Discretionary projects funded by BJA	165	153	150	150
Discretionary projects managed	220	200	200	200
Training workshops conducted by BJA	90	96	8	8
	35	42	09	92
Response to requests for drug control and criminal justice information and BJA				
	000'07	45,000	78,000	20,000

BJS has reassessed the workloads for statistical publications and dissemination, as reflected in the 1993 President's budget request, to more accurately reflect those activities being conducted in 1992 and 1993.

Increase/Decrease Perm. ÷ 덬 Pos ÷ Amount 1994 Estimate Perm. 343 \$29,372 덝 343 Pos Amount 348 348 \$31,457 1994 Baseline 걸 Pos Management and Administration..... PROGRAM CHANGES:

AMOUNT -\$2,085 The request for Management and Administration for 1994 provides a decrease of \$2,085,000, five positions, and five workyears. A reduction of \$330,000, five positions and five workyears is requested in conjunction with the President's goal of reducing the Federal workforce by 100,000 positions over three years. The 1994 decrease represents the second year of the three-year initiative. The first year of the position reduction is occurring in 1993 and will be applied to the OFP brings and will amount to a reduction of one FTE in each of the five bureaus. The FTE reduction will be accomplished through attrition. A decrease of \$1,755,000 represents administrative savings requested in response to the President's goal of achieving control of the Federal deficit. The reduction will be applied to costs incurred for travel, rental payments other than GSA rent, printing, services, and supplies.

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Office of Justice Programs Justice Assistance

Einancial Analysis - Program Changes (Dollars in thousands)

	Missing	ifng	Max	iel		Manage	ment a	Management and Administration	ration			
	Children	ren Len	3	Cubans	Ŧ		Admin	Administrative				
	Program	ren	Fro	Program	Savings	ngs	3	Savings	Total	ta)	7	Total
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65/6F-13	:	:	:	:	∹ '	?:	:	:	∵.	?	; ∙	?:
GS/GR-11	:	:	:	:	÷	011.	:	:	ŗ	011.	•	011-
Total positions and annual rate		:			,	-284			7	.284	ż	-284
		:										
Total workvasts and personnel compensation	•				ń	.284			ń.	-284	ě.	-284
Personnel benefits	: :	: :		: :	· :	97-			· :	97-	:	97-
Travel and transportation of persons	: :	:	: :	: :	:	:	:	-\$242	:	-242	:	.242
	:	:	:	:	:	:	:	.35	:	.33	:	.35
Communications, utilities & mics. charges.	:	:	:	:	:	:	:	- 556	:	-556	:	. 556
Printing and reproduction	:	:	:	:	:	:	:	- 514	:	-214	:	-214
Other services	:	:	:	:	:	:	:	- 539	:	-539	:	-539
Supplies and materials	:	:	:	:	:	:	:	-169	:	.169	:	.169
Grants, subsidies and contributions	:	-\$2,500	:	-\$2,500	÷	:	:	:	:	:	:	.\$,000
	-	Ī		T						Ī		
Total program workyears and obligations changes requested, 1994.	:	.2,500	:	.2,500	÷	.330	:	-1,755	ŵ	-2,085	÷	.7,085
					-							l

Office of Justice Programs

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Status of Congressionally Requested Studies, Reports, and Evaluations

- Section 102(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General to submit an
 annual report to the President and Congress by March 31 of each year. The fiscal year 1992 report will be submitted in May, 1993.
- Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General, the Director the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice to submit to the President and the Speaker of the House of Representatives and the President of the Senate by April 1 of each year, a report on their activities from the preceding fiscal year. The fiscal year 1992 annual reports for each unit will be submitted in May, 1993.
- 받 responsibilities; (2) identifies effective Federal, State and local coordination and cooperation models for locating and recovering missing children who have been victims of abduction; (4) deacribes how the Administrator provided adequate staff and agency resources to carry out title IV responsibilities; (5) describes the number and types of telephone calls received over the national toll-free telephone and the referrals to HMS's national communications system (runaway hotline); (6) describes the national resource center and clearinghouse; (7) describes all programs assisted under the Section 405 discretionary grant program in the preceding fiscal year; (8) summarizes all missing children research completed in the preceding year under title IV; and (9) dientifies each clearinghouse sasisted under Section 405(a)(9) in the preceding fiscal year; the activities carried out, the types and amount of other assistance received, and specifies the number and types of cases handled/resolved and the circumstances of each case. The report for fiscal year 1992 is due March 31, 1993 and is expected to be Section 404(a)(5) of the Missing Children's Assistance Act, as amended, requires the Administrator of the Office of Juvenile Justice and
 Delinquency Prevention to submit a report to the President and Congress not later than 180 days after the end of each fiscal year, which: (1)
 contains a comprehensive plan to facilitate coordination and cooperation among agencies and organizations with missing children submitted by May 1, 1993.
- 4. Section 408 of the Missing Children's Assistance Act, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to begin a study within one year from the enactment of the 1988 amendments (by November 18, 1989) to determine obstacles to the recovery by legal custodians of children who have been removed by a noncustodial parent. The study is to be completed, and a report submitted to the Congress discussing and aummarizing the results, within three years (by November 18, 1991). The final report was submitted to Congress in January, 1993.
- 5. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit an annual report to the President and Congress within 180 days of the end of each fiscal year. The report must contain: (1) a detailed summary and analysis of juvenile custody data, including offender type, offense, race, gender, age, facility type, death rate information and educational status; (2) a description of past A funded activities; (3) a description of each State's compliance with Section 223 and the State Pan; (4) a summary of each part C or part D funded program or activity, evaluation information and an assessment of replication prential; and (5) a description of exemplary delinquency prevention on programs funded under title II. The report for fiscal year 1992 is due March 31, 1993 and is expected to be submitted by May I, 1993.
- Section 248(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to conduct a study, to be started within one year from enactmont of the 1988 amendments (by

ffice of Justice Programs

Justice Assistance

Status of Congressionally Requested Studies, Reports, and Evaluations (Cont'd)

relevant Federal agencies, national professional and youth advocacy organizations, OJJDP will issue its formal recommendations to Congress for November 18, 1989) and completed within three years (by November 18, 1991), with a description and summary of the results submitted to the Congress. The study would review conditions in juvenile detention and correctional facilities, the extent to which such facilities meet national standards, and make recommendations to improve conditions in such facilities. The report was submitted to Congress in January, 1993 which included proposed recommendations for consideration by the Administrator. After completion of additional analysis and discussion with improving conditions for juveniles in confinement.

- 7. Section 248(a)(6) of the Juvanile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than 180 days after enactment of the 1992 amendents (November 4, 1992), the Administrator shall begin to conduct a study on the incidence, nature and causes of volonce committed by or against juvaniles in urban and rural areas. The study is to be completed and a report submitted to Congress discussing and summarizing the results, within three years (by November 4, 1995). Avards were made to begin preliminary planning for such a study in January, 1993. The report is expected to be submitted on time.
- 8. Section 248(a)(7) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than one year after the date of enactment of this subsection (November 4, 1993), the Administrator shall submit a report to Congress on hate crimes, including characteristics of juveniles who commit such crimes, the crimes themselves and their victims. The report is expected to be submitted on time.
- Section 516(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance, not later than 180 days after funds are appropriated, to submit to the President and Congress a report describing rules that were issued to carry out Chapter B Correctional Options Grants. The report is expected to be submitted in April, 1993.
- 10. Section 520(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the National Institute of Justice to annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under Sections 501(c), 506 and 511. The Institute will report on its program to evaluate anti-drug programs and will report on anti-drug research and development projects initiated since the passage of the Anti-Drug Ahuse Act of 1988. The fiscal year 1992 report is scheduled for completion in June, 1993
- Assistance not later than 180 days after the end of each fiscal year to submit to Congress a report that includes with respect to each State (1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for such fiscal year; (2) the amount of such grants made under subpart 1 and subpart 2 to such State for such fiscal year; (2) the amount of such grants avarded for each of purposes specified in subpart 1; (3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a); (4) an explanation of how Federal funds provided under this part have been coordinated with Federal funds provided under this part have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and (5) evaluation results of programs and projects and State strategy implementation. The report for fiscal year 1992 is due March 31, 1993 and is expected to be submitted in April, 1993.
- 12. Section 609U of the Justice Assistance Act of 1984 requires the Attorney General to submit to the President and Congress by April 1 of each year, a report describing Federal law enforcement emergency assistance provided during the calendar year preceding the date the report is made. The report for 1992 is expected be submitted in April, 1993.

Office of Justice Programs

Justice Assistance

Status of Congressionally Requested Studies. Reports. and Evaluations (Cont'd)

13. Section 1406(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the Director of the Bureau of Justice Assistance, not later than 90 days after the end of each fiscal year for which grants are made, submit to Congress a report that includes, with respect to each State, (1) the aggregate amount of grants made under this title to each State for the fiscal year, and (2) a summary of the information provided in compliance with subsection (a)(1). The report will be submitted on time.

Office of Justice Programs

Justice Assistance

Priority Ranking

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Office of Justice Programs
Justice Assistance
Detail of Permanent Positions by Gategory
Fiscal Years 1992 · 1994

				1994	
	1992	1993	Program		
Category	Authorized Reimbursable	Authorized Reimbursable	Decreases	Authorized	Authorized Reimbursable
Attorneys (905)	12	1.2	-	11	:
Other Legal and Kindred (900-998)	2	.:	:	7	:
Social Sciences, Economic and Kindred (100-199)	103	102	-2	100	:
Personnel Management (200-299)	10		:	10	:
General Admin., Clerical and Other Services (300-399)		139	.2	137	:
Accounting and Budget (500-599)	22 2	22 2	:	22	2
Engineering and Architecture Group (800-899)	.:.		:	7	:
Information and Arts Group (1000-1099)		.:	:	6	:
Business and Industry Group (1100-1199)	14	14	:	14	:
Library and Archives Group (1400-1499)	.:	3	:	m	:
Mathematics and Statistics Group (1500-1599)	30	30	:	20	:
Equipment, Facilities and Service Group (1600-1699)	:	:	:		:
Supply Group (2000-2099)	2		:	8	:
Total	353 2	348 2	ئ.	343	2
Washington	353 2	348 2	ş.	.343	2

Office of Justice Programs Justice Assistance Summary of Change (Dollars in thousands)

	Amount	\$665,299	2,000	667.299	-	1.200	1,200		362	192	47	78	•••	2,149	~		07	134	39	7	4	73	1.153	4.285		74.	-47	672,737		-2,500	-2,500	-2.085	280.7.	760'600
	Work.	352	:	7 87		1	:		:	:	:	:	:	:	:	:	:	:	:	:	:			1 :	1	1	1	348		:	:	7	7	7
	Pos.	352	:	7 87		1	:		:	:	:	:	:	:	:	:	:	:	:	:	:			1 :	1	1	1	348		:	:	4	7	7 7
(Dollars in Chousands)		1993 as enacted.	Transferred from Special Forfeiture Fund (Office of National Drug Control Policy)	1993 appropriation anticipated.	Adjustments to base:	Funding provided from unobligated balances in 1993.	Total, funding from unobligated balances	Mandatory increases:	1993 pay annualization.	Within-grade increases (WIG).	Health benefits	Federal Insurance Contributions Act (FICA)	Accident compensation	(CSA)	Postal - equipment purchase	Postal - equipment rental/maintenance	Postal - contract services	Postal - under-reported postage usage	Government Printing Office (GPO) and Department printing	Computer security disaster recovery system	Employee data and payroll services	GSA recurring reimbursable services.	General pricing level adjustments	Total mandarory increases	Decreases:	FTS 2000 reduction.	Total, decreases.	1994 Base	Program changes:	Missing Children.	Mariel Cubans	Management and Administration	Total, program changes.	*224 Reduces C

Office of Justice Programs Justice Assistance Justification of Adjustments to Base (Dollars in thousands)

1		Pos	Ħ	Amount
Eun 1		:	:	\$1,200
	\$72,250,000 of appropriated funds. Total funding from unobilgated balances	11	11	1.200
Hans 1.	Handatory increases: 1993 pay annualization. This pay annualization represents only first ouarter amounts (October through December) of the 1993 3.7 percent pay increase effective in January of 1993 plus appropriate personnel benefits (\$271,000 pay and \$91,000 benefits). 	:	:	362
~	Within-grade increases (VIG). This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$138,000 for pay and \$54,000 for benefits.	÷	:	192
ë.	Health benefits	:	:	47
4	Federal Insurance Contributions Act (FICA)	:	:	78
'n	Accident compensation	:	:	80

Amount

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This increase is needed despite cost containment measures implemented in the Department (e.g., presorting of outgoing mail, centralized mail room operations), as well as reducing the use of expensive, non-contract sources of urgent-delivery parcels. Estimates based on actual experiences and professional experience require an increase of \$134,000, a 25 percent increase, which is well below that experienced by other agencies.

92

Amount	\$39	~	4	23
ᇘ	:	:	:	:
Pos	: :	· :	:	: :
	 Government Printing Office (GPO) and Department printing	As required under the Computer Security Act of 1987 (P.L. 100-235) and OMB Circular A-130, the Department is implementing a system to provide disaster recovery for the Department's mission-critical information processing. Under the disaster recovery and continuity of operations plan, Justice Dara Genter users will be able to continue to perform essential functions in the event that automated information systems are interrupted due to natural disasters, terrorist attacks, or other catastrophic events. As required, this system will reduce the Department's current valenciality to losing a major portion of its mission-critical information processing, in the event that normal data processing operations are disrupted. The Office of Justice Programs is requesting a total of \$2,000 in PY 1994 to cover equipment and telecommunications expenses for the computer security disaster recovery system.	13. Employee data and payroll services	14. GSA recurring reimbursable services

Justification of Adjustments to Base (continued) (Dollars in thousands)

11

Justification of Adjustments to Rase (continued) (Dollars in thousands)

Amount	\$1,153	4,285	74.	19:	5,438
뒼	: :	11	: :	11	:
Pos	:	11	:	11	:
	15. General pricing level adjustments. This request applies OMB pricing guidance as of June 9, 1992, to selected expense categories. The increased custs identified result from applying a factor of 3.1 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has	already been built into the 1994 estimates. Total mandatory increases	Decreases: 1. FTS 2000 Reduction. This decrease reflects recently compiled data provided to the Office of Hanagement and Budget by the General Services Administration on FTS 2000. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment	regarding administrative cost reductions. The 1994 decrease is \$47,000. Total decreases	Total, adjustments to base

Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary Kanges	1992 Estimate Positions & Workycars Amo	timate 6 Amount	1993 Est Positions & Workyears	1993 Estimate Ations 6 Kyears Amount	1994 Est Positions 6 Workyears	1994 Estimate itions & kyears Amount	Increase/Decrease Positions & Workyears Amoun	ecrease.
Executive Level IV, \$115,700	9		9		9		:	
ES-5, \$111,800	7		-		-		:	
ES-4, \$107,300	\$		•		4		-	
ES-3, \$101,800	2		2		2		:	
ES-2, \$97,400	-		-		-		:	
ES-1, \$92,900	-		-				:	
GS/GM-15, \$66,609-86,589	70		38		38		:	
GS/CM-14, \$56,627-73,619	62		3		09		-	
GS/GM-13, \$47,920-62,293	99		99		99		:	
GS-12, \$40,298-52,385	40		39		39		•	
GS-11, \$33,623-43,712	28		28		25		÷	
GS-10, \$30,603-39,783	:		:		:		:	
GS-9, \$27,789-36,123	21		20		50		:	
65-8, \$25,159-32,710	=		=		=		:	
GS-7, \$22,717-29,530	59		53		58		:	
GS-6, \$20,443-26,572	12		12		12		:	
GS-5, \$18,340-23,839	15		15		15		:	
GS-4, \$16,393-21,307	1		13	***************************************	13		444	
Total, appropriated positions	353	\$17,979	348	\$18,159	343	18,310	÷	151
Pay above stated annual rates	:	132	:	89	:	2	:	7
Lapses	.47	-3,056	.30	.1,720	.30	-1,720	:	:
Savings due to lower pay scales for part of year.		111	***************************************	.219	444			219
Not full-time permanent	306	14,924	318	16.288	313	16,660	ş.	372
Other than permanent:	u	č			u	130		۰
	, ,	1 288	ָרָ י	/#/	٠ <u>٠</u>	707	:	۰ ۲
Other nersonnel compensation:	3	007'1	6	006.1	3	, , , , , , , , , , , , , , , , , , ,	:	j
Overtiae	-	39		31	:	29		
Other compensation.	:	301	:	234		221		.13
	4.4.4	10		75		75		1
Total, workyears and personnel compensation.	337	16,796	348	18,235	343	18,644	÷	607
Average ES Salary	(\$)	(\$105,156)	٠	\$108,525)	e e	(\$108,607)		
Average GS/GM Salary	w.	(\$48,267)		(997'67\$)		(\$50,857)		
Average 63/64 Grade		(07.11)		(11.23)		(10.34)		

Justice Assistance

Summary of Requirements by Grade and Object Class

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	1992 Actual	tual	1993 Est	Imate	1994 R	equest	Increase/Decrease	Crease
Object Class	Vorkyears	AMOUNT	Workvears Amo	Amount	Workyears Anount	ABOUNE	Vorkyears	Amount
11.1 Full-time permanent	306	\$14.924	318	\$16.288	313	\$16.660 *	ý	\$372
11.3 Other than full-time permanent	30	1,522	30	1,607	30	1,659	:	52
	-	340	:	265	:	250	:	-15
11.8 Special personal services payments		10		75	444	22		1
Total, workyears and personnel compensation.	337	16,796	348	18,235	343	18,644 *	٠.	607
Reimbursable workyears:								
Other than permanent	3		(3)		(3)		<u> </u>	
Other objects:								
12 Personnel benefits		2,998		3,147		3,417 *		270
13 Benefits for former personnel		20		23		53		∞
21 Travel and transportation of persons		¥ 69′		800		797		-336
		:		e		~		:
GSA rent		2,050		2,331		3,343		1,012
		*		65		89		m
Communications,								
		1,096		1.070		1.187		117
Printing and rep		1,130 *		1,111		1,049		.62
Ī		* 797,78		96,796		45,992		-10,804
26 Supplies and materials		417		315		. 325		01
		142		209		218		6
_		634,086 *		614,113		590,913		-23.200
Total obligations		716,914		698,216		665,652		-32,564
Recovery of prior year obligations		.4.877		;		;		
		.36 437		.30 937		•		
Unobligated balance, end-of-year		30,917				: :		
Total requirements		706,577		667, 299		665,652		
Relation of obligations to outlays:								
Total obligations		716,974		698,216		665,652		
Obligated balance, start.of.year		822,363		919,889		820,575		
Obligated balance, end-of-year	•	919,889	•	.820,575		-932,273		
Outlays		614,571		797,530		553,954		

* Distribution by object class differs slightly from distribution reflected in Budget Appendix.

Department of Justice Office of Justice Program Public Safety Officers Benefits Estimates for Fiscal Year 1994 Table of Contents

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Justification of Proposed Changes in Appropriation Language.

Crosswalk of 1993 Changes.

Public Safety Officers Benefits

Summary Statement

Fiscal Year 1994

For 1994, the Office of Justice Programs is requesting a total of \$28,909,000 for the Public Safety Officers' Benefits (PSOB) program. The sum of this request represents the 1994 baseline funding level. However, the request does provide for a redistribution of resources between the two subactivities.

The PSOB program provides for payment of a death benefit to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. Public safety officers covered by the program include but are not limited to, police, corrections, probation, parole and judicial officers, public ambulance or rescue squad members, and firefighters. The Public Safety Officers' Disability Benefits program is a new program authorized by the Grime Control Act of 1990. Under this program, Federal, State, and local public safety officers are eligible for a disability payment. The program to tally disabled as the direct result of a catastrophic injury received in the line of duty. The 1994 refined as a discretionary request in Budget Enforcement Act

Public Safety Officers Benefits

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Public Safety Officers Benefits

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

and, in addition, \$2,000,000, to remain available until expended, for payments as authorized by section 1301(b) of Public Law 101-647 (104 Stat. 4834)

(Department of Justice and Related Agencies Appropriations Act. 1993.)

Explanation of Changes:

The proposed change will provide \$2,000,000 for payments under the Public Safety Officers' Disability Benefits program. This change also separates the disability benefit program from the death benefit program and identifies the specific amount available for the disability program. The appropriation for the disability program will be a discretionary account, whereas the death benefit appropriation is a mandatory account. Congressional action in 1993 omitted funds for the disability program because of the assumption that 1992 unobligated funds would be carried over and remain available for the program.

Public Safety Officers Benefits

Crosswalk of 1993 Changes (Dollars in thousands)

1993 Appropriation	OH PARA PARA		\$28,013	43	28,056
	SILL OLD A STUMBLE STUB		:	4 4 4	:
Transfer from Department of Justice	Legel at Lison System		::	\$43	43
Congressional Appropriation Actions on	1337 Rednest		-\$135	-2.000	-2,135
1993 President's	Budget Request		\$28,148	2,000	30,148
	Activity/Program	 Public Safety Officers Benefits Program: 	Death Benefits	Disability Benefits	Total

Congressional Appropriation Actions. The President's budget request included \$28,148,000 for the death benefit program and \$2,000,000 for the new disability benefit program. Congressional action provided no funds for the payment of disability benefits because it was assumed that 1992 end-of-year unobligated funds would be available in 1993. The base funding level for the death benefits program was reduced by \$135,000.

'Itansfer from Department of Justice, Federal Prison System. Congress has authorized a transfer of \$42,705 from the Federal Prison's System "Salaries and Expenses" account to the disability benefit program. The transferred funds will cover an outstanding liability for retroactive supplemental payments for three claims that were paid in 1992. This need arose as a result of a recent legislative amendment that increased the amount of the disability payment. is expected that the Department will use transfer authority to make funds available for the payment of 1993 eligible disability claims.

Public Safaty Officers Benefits

Summary of Requirements (Dollars in thousands)

Transferred from other scrounts (Boders Briss)						
1993 appropriation anticipated.						28.056
Mandatory increase						
Decrease						
1994 base			•			28,909
Savings to achieve deficit reduction targets						
/ AVX CARGEARIES						
Estimates by budges estivicy	1992 As Enacted	1992 Actual	1993 Appropriation Anticipated	1994 Baselins	1994 Rationes	Increase/Decrease
1. Public Safety Officers Benefits Program: Death Benefits	\$22,144	\$21,014	\$28,013	\$28,909	\$26,909	-\$2,000
Total	į	21,314	28,056	28,909	28,909	

Office of Justice Programs Public Safety Officers Mencfits Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

Increase/Deer ase	- \$2,000 2,000
1994 Estimate	\$26,909 2,000 28,909
1994. Baseline	\$28,909
1993 Appropriation Anticipated	\$28,013 28,056
Activity: Public Safety Officers Benefits	Death benefits. Disability benefits

<u>LONG-RANGE COAL</u>: To provide a death benefit payment to eligible survivors of Federal, State and local public safety officers who have died as a result of personal injury sustained in the line of duty and a disability benefit payment to Federal, State, and local public safety officers who are permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty.

MAJOR OBJECTIVES:

pay eligible death benefit claims within two weeks of the filing of a fully documented claim and to pay eligible disability benefit claims within six weeks of filing a fully documented claim.

To issue determinations on ineligible death benefit claims within four weeks of the filling of the fully documented claim and to issue determinations on ineligible disability benefit claims within six weeks of the filing of the fully documented claim.

To conduct an appeal hearing within 60 days of an appellant's request.

To issue the appeal determination within 30 days of the official close of the appeal hearing.

remaining one-half is apportioned among the children. If there are no eligible children, the widow receives the full benefit. Parents are eligible for the death benefit when a widow and/or eligible children do not survive the deceased public safety officer. Each year, the amount of the payment is adjusted by the annual percentage change in the Consumer Price Index. The death benefit increase of 4.9 percent. In 1993, the death benefit is \$123,520, an increase of 3 percent. In 1994, a 3.1 percent increase is expected, which will bring the death benefit payment to \$127,349. The Chime Control Act of 1990 provided authority for a new Public Safety Officers Disability program. Federal, State, and local public safety officers are eligible for the disability payment when permanently when a Federal, State or local law enforcement officer, fire fighter, corrections officer, judicial official or public ambulance or rescue squad The Anti-Drug Abuse Act of 1988 (P.L. 100-690) (42 U.S.C. 3796) authorized a basic death benefit payment of \$100,000 member dies, in a duty status, as the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provided for an annual cost of living escalator tied to the Consumer Price Index (CPI). This escalator, on October 1 of every year, increases the benefit by the percentage of increase in the CPI. If a widow and eligible children survive, the widow receives one half of the benefit and the and totally disabled as the direct result of a catastrophic injury received in the line of duty on or after November 29, 1990. As initially characted, the legislation provided a disability benefit payment of \$100,000 for injuries sustained in 1991. As with the death benefit program, the disability benefit was to be increased by the CPI escalator each year, starting with 1992. However, on October 25, 1992, P.L. 102-520 equalized the two payments by making the disability benefit the same amount as the death benefit. This legislation was retroactive to BASE PROGRAM DESCRIPTION:

Generally, the PSOB program staff receives a death report within one week of the public safety officer's death, usually from the employing agencies generally take from 75.80 days to fille a security. Claims are initiated by the PSOB staff when the death report is received. Employing agencies generally take from 75.80 days to fille a complete claims are paid within two weeks of being filed and documented; ineligible claims are processed within four weeks of being filed and documented. When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claims it requests and decisions are rendered within 30 days of the official close of the appeal hearing. Hearing officer denials may be appealed to the Director of the Bureau of Justice Assistance. Once an appeal is heard by the agency and the denial affirmed, the claimant may appeal directly to the U.S. Claims Court. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

Disability claims cannot be initiated until the disabled officer has been permanently separated from his public safety agency and has been awarded maximum workers' compensation benefits associated with the officer's permanent and total disability. After receipt of the foregoing prerequisite disability certification from the disable officer's employer, PSOB staff officially initiates the disability claim. This "prerequisite" procedure prevents PSOB staff from being inundated with disability claims that do not meet the fotal and permanent. PSOB staff from being inundated with disability claims. Because medical reviews are needed on all disability claims, both eligible and ineligible claims are processed within six to eight weeks of being filed and fully documented. Eligible claims are processed within six to eight weeks of being filed and fully benefit amount. In such cases, the benefit payment to each officer must be reduced by a proportionate share in accordance with the Disability Program as legislation. Ineligible claims may be appealed. It is expected that the same timeframes will apply for appeals in the Disability Program as are outlined above for the Death Benefits Program.

Final implementing regulations for the Disability Program were published on June 11, 1992. PSOR's medical analyses are currently performed at Walter Reed Hospital, Armed Forces institute of Pathology (AFIP). In the Death Benefits Program, only selected cases, perhaps 1 in 15, require this <u>volunteer</u> medical resource. In the Disability Program, every case requires medical analysis. AFIP has agreed to coordinate medical reviews during the Disability Program's start-up phase, until actual case experience provides the information necessary to specify ongoing medical resource needs. This is a critical area that will be closely monitored as the program matures.

<u>ACCONTLISHMENTS AND WORKLOAD</u>: Actual and estimated workload and accomplishments of the Public Safety Officers' Benefits Program are presented in the following tables. The administrative costs associated with the program are borne by the "Justice assistance" appropriation.

			241701750	
Item	1661	1992	1993	1994
Death Claims: Initiated	236	204		255
Closed*	255	238	260 2	260
Agency Appeals Requested	10	12	12	15
Agency Appeals Closed*	12	12	12	15
Court Appeals Initiated	:		7	7
Court Appeals Closed*	-	:	7	7
Disability Claims: Inftiated	:	7	1.5	13
Closed*	:	e	15	15
Agency Appeals Requested	::	:	ď	5
Agency Appeals Closed*	:	:	S	~
Court Appeals Infitated	:	:		-
Court Appeals Closed*	:	:		_

Figures include newly initiated claims and appeals as well as active claims and appeals carried over from a previous year.

Death benefit claim processing objectives have been met in that the average eligible claim was paid within two weeks of completed filing, and the average ineligible claim was closed within four weeks of certified documentation.

Following is a summary of public safety officer claims that were found eligible during the period 1979 through January, 1993:

Total Amount Paid	\$12,900,000 11,700,000 13,450,000 10,800,000 10,700,000 9,400,000 9,000,000 9,300,000 9,300,000	21,575,150 950,000 22,525,150 23,294,130 22,037,145 20,864,402
Total Claims Paid	258 234 269 217 217 216 188 180 186	230 249 249 223 201 179
Others	9 5 8 6 5 6 7 7 8 6 8	01 10 22 6 5
Corrections Officers	11 9 9 8 8 7 10 10	. 1200E :
Fire Eighters	79 70 70 73 73 74 78	60 68 64 77 77 1
Lav Enforcement Officers	or Death Claims: 157 153 158 156 160 134 144 119	ą
Elscal Year	Public Safety Officer Death 1979 1980 1981 1983 1984 1986 1986 1988 1988	Nevly initiated claims Supplemental payments * 1989 Total 1990 1991 1992 Public Safety Officer Disab

^{*} Supplemental payments of claims paid in 1989 for deaths that occurred between June 1, 1988, and September 30, 1988, in accordance with the Anti-Drug Abuse Act of 1988.

1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1994 1995 1995 1995 1995 1995 1995
1982 1983 1984 1985 1986 1988 1989 1990 1991 1992 1993 1 302 237 259 277 257 225 234 322 255 236 204 255 236 236 255 236 255 236 255 236 255 236 235 2
1981 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1 237 259 277 257 225 234 322 255 236 204 255 7 15
1984 1985 1986 1987 1988 1982 1990 1991 1992 1993 1 259 277 255 234 322 255 236 204 255 7 15
1985 1986 1987 1988 1990 1991 1992 1993 1 277 257 225 234 322 255 236 204 255
1986 1987 1988 1989 1990 1991 1992 1993 1 257 225 234 322 255 236 204 255
1987 1988 1989 1990 1991 1992 1993 1 225 234 322 255 236 204 255 7 15
1988 1982 1990 1991 1992 1993 1 234 322 255 236 204 255
1982 1990 1991 1992 1993 1 322 255 236 204 255
1990 1991 1992 1993 1 255 236 204 255 7 15
1991 1992 1993 1 236 204 255
Estima 1992 1993 1 204 255 7 15
1994 1994 155 15

It is difficult to precisely estimate the volume of disability claims that will be received for the new Disability Program. PSOB received seven claims for disability benefits during 1992. It is anticipated that fifteen claims will be filed during 1993. Inquiries are steadily increasing and a general awareness of the program is growing throughout the nation's public safety agencies.

The November 18, 1988, amendment to the Public Safety Officers' Benefits (PSOB) Act (Anti-Drug Abuse Act of 1988, P.L. 100-690) authorized the use of up to \$150,000 of PSOB funds to establish national programs to assist the families of public safety officers who have died in the line of duty. Accordingly, Concerns of Police Survivors, Inc. (COPS) was avarded \$143,014 in May 1989, and supplemental grants of \$149,856 in June 1990, \$150,000 in July 1991, and \$150,000 in September 1992 to carry out this Congressional mandate. It is anticipated that a \$150,000 and supplemental grant award will be made to this organization in 1993 and again in 1994. COPS is an organization that coordinates and directs a national network that responds with psychological and emotional support to families who have lost their public safety officers in the line of duty. This network consists of families who then applic safety officer and who have come through that deeply traumatic experience to take up, once again, reasonably normal, productive lives. Each May 14-16, COPS conducts their annual National Survivor Family Conference in Washington, D.C., for law enforcement survivor families throughout the nation. This conference is held in conjunction with the National Law Enforcement Officers' Memorial Service on May 15.

In 1994, the projected needs for the Death Benefits Program are \$2,000,000 less than the 1993 level. Since 1989, there has been a decline in the number of public safety officer deaths reported and eligible claims paid. For comparison, a total of 230 eligible claims were paid in 1989, compared to 179 in 1992. The 1992 level represents a 22 percent drop below 1989. The amount requested for 1994 is expected to be sufficient to pay all eligible death benefit claims.

The \$2,000,000 funding level requested for 1994 will provide sufficient funds to pay fifteen claims. If approved claims exceed \$2,000,000, the benefit payment to each officer must be reduced proportionately, in accordance with the Disability Program legislation. In 1993, no funds are available for the payment of new disability claims. Although \$2,000,000 was requested in the President's 1993 budget, the enacted appropriation language addressed only the Death Benefit Program. At that time, it was expected that the end-of-year unobligated balance from the \$5,000,000 available in 1992 would be carried over to 1993 and remain available for disability payments. However, the Department was not allowed to carry over the 1992 unobligated balance. At the suggestion of Appropriations Committee staff, the Department may use transfer authority to make funds available for the Disability Program in 1993.

Public Safety Officers Benefits Office of Justice Programs Summary of Changes (Dollars in thousands)

Amount

1993 as enacted. Transferred from other accounts (Federal Prison System). 1993 appropriation anticipated.	\$28,013 28,056
Adjustments to base: Nandatory increase: General pricing level adjustment Decreases:	896
Program change: Death benefits Disability benefits Total, program changes	2,000
Justification of Adjustments to Base	
Mandatory increase: General Pricing Level Adjustment	968
Index (CPI), in accordance with authorizing legislation. The public safety officer benefit payment is expected to rise from \$123,520 in 1993 to approximately \$127,349 in 1994. Total mandatory increases	968
~ ~ ~ ~	-\$43
1992 under the Disability Benefit Program. Total decreases	14.
Total, adjustments to base	853

Total, adjustments to base......

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Office of Justice Programs
Public Safety Officers Benefits
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

ब	Object Class	1992 Actual	1993 Estimate	1994 Request	Increase/Decrease
11	Full-time permenent	:		:	
11.3	Other than full-time	:			: :
11:		:	•		
11.					
	Total	:	:	::	
12	Personnel benefits	:	:	:	
13	Benefits of former personnel	:	•		
21	Travel and transportation of persons	::	:	•	•
22		:	:	:	•
23.1		:	:	:	::
23.2		:	:	:	:
23.3	Communications, utilities and				
76		•	•	::	:::
3 2	Other semilars	:	:	:	:
Ç	CEDST SGLVICES	:	::	:	٠
9 ;	Supplies and materials	•••	::	•	::
፰ :	Equipment	• • • •		•••	::
7	Grants, subsidies, and contributions	\$150	\$150	\$150	::
77	Insurance claims and indemnities	21.164	27.906	28.759	\$853
	Total obligations	21,314	28,056	28,909	853
Unob]	Unobligated balance, start-of-year	976,7-	:	:	
Tot	Total requirements	27,144	28,056	28,909	
Relat	Relation of obligations to outlays: Total obligations	31 316	78 055	90	
4	Obligated balance, start.of.year. Obligated balance, end.of.year.	263	726		
0	Outlays	20,851	28,782	28,909	

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Department of Justice Office of Justice Programs Grime Victims Fund Estimates for Fiscal Year 1994 Table of Contents Summary Statement
Summary of Requirements
Justification of Forgam and Parformance
Statum of Congressionally Requested Studies, Reports, and Evaluations
Summary of Requirements by Grade and Object Class

Crime Victims Fund

Summary Statement

Fiscal Year 1994

The Orime Victims Fund was established by the Victims of Orime Act of 1980, as amended. The authorizing legislation provides for the deposit into the Fund in Fiscal Year 1992, however, starting in Fiscal Year 1993, there is no cap on the amount deposited in the Fund. Funds are used for five programs administered by the Office for Victims of Orime (OVO): 1) relaburements to States for victim compensation programs (40% of their prior year administered by the Office for Victims of Orime (OVO): 1) relaburements to States for victim compensation programs (40% of their prior year expenditures); 2) allocations to oftime (OVO): 1) relaburements to States for victim compensation programs; 40% of their prior year enforcement officers, prosecutors and victim/witness coordinators, and for the financial support of victims assistance programs; Federal law enforcement officers, prosecutors and victim/witness coordinators, and for the financial support of victims of Federal crime by eligible crime victims assistance programs; 40 Children's Justice allocation, up to \$675,000 is retained by the Officers by eligible crime and victims of child Abuse cases. In addition, the Administrative Office of the U.S. Courts now receives the first to total \$154,800,000. These for Victims of Libe administrative costs. In 1993, collections that will be available for the OVC programs are expected to total \$154,800,000. These funds will be obligated in 1994.

ce of Justice Programs	Crime Victims Fund
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Summary of Requirements (Dollars in thousands)

Elvaneing	1992 <u>Actual</u>	1993 Estimate	1994 Estimate
Unappropriated balance, start of year. Collections/deposits/receipts g/. Transfer to general fund receipts. Transfer to Administrative Office of U.S. Courts. Transfer to Federal Prison System. Unappropriated balance, end of year.	\$127,968 221,609 221,602	\$221,609 161,000 .6,400 b/ .69,409 .154,800	\$154,800 166,418 -6,200 -160.218
Appropriation. Recovery of prior year obligations. Unobligated balance available, start of year. Unobligated balance available, end of year. Unobligated balance lapsing.	127,968 991 34,298 -901	901	154,800
ObligationsObligations by Program	161,421	150,901	154,800
Victim Compensation. Victim Assistance. HHS/Children's Justice Children's Justice/Native American Federal Program.	87,224 62,765 9,325 547 1,529 161,421	68,500 68,647 9,325 1,133 3,226 150,901	70,780 70,780 9,325 675 3.240 154,800

 $\underline{a}/$ Funds are obligated the year after they are collected. $\underline{b}/$ Includes \$2.2 million from 1992 collections.

Note: Columns may not add to totals due to rounding.

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Office of Justice Programs Crime Victims Fund Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

Increase/Decrease	\$3,899
1994 Estimated Obligations	\$154,800
1993 Estimated Obligations	\$150,901
1992 Actual Obligations	\$161,421
	Crime Victims Fund
	Activity:

LONG-RANCE COAL: To encourage all States and Federal territories to provide victims of crime access to compensation and assistance programs designed to reduce the emotional financial, and physical effects of victimization, and to support and facilitate the participation of crime victims in the criminal justice process.

HAJOR OBJECTIVES:

To implement the provisions of the Victims of Crime Act of 1984, as amended.

To monitor State compensation and victim assistance programs to ensure compliance with Federal guidelines.

To monitor State victim assistance grants for Native American reservations.

To provide technical assistance to the States in implementing victim assistance and victim compensation programs via an annual technical assistance meeting and discretionary grantees.

To provide technical assistance to the Native American organizations that serve Federal crime victims.

To compile and analyze data submitted by the State programs, and report to Congress on the impact of Federal funding.

To monitor compliance with the Attorney General's Guidelines for Victim and Witness Assistance in agencies with Federal law enforcement or prosecutorial responsibilities.

To provide technical assistance support to Federal victim/witness coordinators, other U.S. Attorney and Federal investigative personnel.

To provide limited, direct assistance to unserved victims of Federal crimes.

To develop and implement a program to improve handling of child abuse cases on Native American Indian Reservations.

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To implement the provisions of the Crime Control Act of 1990 concerning courtroom protocol for child abuse victims.

To encourage compliance with the Federal Victims Bill of Rights.

To coordinate all DOJ training programs regarding victims and witnesses of Federal crime, including child victims.

To provide training for Federal law enforcement agencies regarding implementation of the Victim Witness Protection Act and the 1990 Grime

To manage national acope discretionary grants that provide information or training to improve services to crime victims and the criminal justice system's response to victims.

To co-chair a DQJ Child Abuse Task Force.

assess compliance with and make an annual report to the Attorney General regarding Department of Justice-wide implementation of the Attorney General Guidelines for Victim and Witness Assistance.

To work as a member of the HHS Interagency Task Force on Child Abuse and Neglect to develop plans and recommendations for Congress and the U.S. Advisory Board on Child Abuse and Neglect regarding services for victims of child abuse. ASE PROCRAM DESCRIPTION: The Victims of Crime Act program is funded by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes. The Fund was established by the Victims of Crime Act of 1984 (P.L. 98-473), as amended by the Children's Justice and Assistance Act of 1986 (P.L. 100-690). The Crime Children's Justice and Assistance Act of 1986 (P.L. 100-690). The Crime Control Act of 1990, which was enacted on November 29, 1990, raised the cap for deposits into the Crime Victims Fund, in 1991 and thereafter, from \$125 million to \$150 million. The most recent amendments were enacted on October 29, 1992, in the Federal Courts Administration Act of 1992, which eliminates the cap on collections in FY 1993 and provides that the U.S. Courts receive the first \$6.2 million collected. Pursuant to statute, the next \$100 million deposited into the Fund is allocated as follows: 49.5% victim compensation; 45% victim assistance; 4.5% Children's Justice Act; and 1% for training and technical assistance and Federal crime victim services. If deposits into the Fund exceed \$106.2 million, the next \$5.5 million shall be available for the Children's Justice and Assistance Act program. Any available amount in excess of Of the money deposited in the Fund above \$116.2 million, 47.5% will be made available for compensation programs under Section 1403; 47.5% will be made available for assistance programs under Section 1404(a); and 5% will be made available for services to victims of Federal crime under section 1404(c)(1)(B). Funds are not obligated during the year of collection; instead, they are allowed to accumulate so that the total amount available for obligation in the \$111.7 million and up to \$116.2 million would be available for the victim assistance program for the States. next year is determined in advance.

Funds are targeted at five program areas: 1) Crime Victim Compensation · The legislation sets aside 49.5 percent of the deposits over \$6.2 million and up to \$106.2 million, and 47.5 percent of the amount exceeding \$116.2 million for this purpose. These funds are distributed to the States on the basis of 40 percent of their eligible victims compensation payouts during the preceding fiscal year (if available funds are sufficient). 2) Grime Victim Assistance · Forty-five percent of the deposits above \$6.2 million and up to \$106.2 million, plus \$4.5 million of

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victims of crime, including crisis intervention services, emergency aid, and assistance to victims participating in criminal justice proceedings. 3) Training and Technical Assistance and Federal Victims Assistance - The legislation sets aside 1 percent of deposits between \$6.2 million and \$106.2 million for this purpose. Additionally, 5 percent of all deposite from the Fund exceeding \$106.2 million shall be allocated for training and technical assistance services to eligible crime victims assistance programs, and for financial support of services to victims of Federal crime. At least one-half of the available funds shall be allocated for the financial support of services to victims of Federal crime. 4) Children's Justice - The legislation requires that up to \$9.35 million shall be made available to the Department of Health and Human Services for grantes to States to assist in developing, establishing, and operating programs designed to improve the handing of child abuse, particularly child sexual abuse. 5) Children's Justice Act be retained by OVC to conduct projects with similar purposes as the HHS program but simed at Native American Indian tribes. grants, which are awarded to States for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to innocent victims of crime. Priority must be given to eligible crime victim assistance programs that provide assistance to victims of sexual assault, spousal abuse, child abuse, and victims previously underserved. Recipient organizations eligible for victim assistance amount between \$111.7 million and \$116.2 million and 47.5 percent of the amount exceeding \$116.2 million are set aside for victim assistance funding will be non-profit organizations and agencies of State or local governments (or combinations of such entities) that provide services to

Management and Administration expenses for the Office for Victims of Crime (OVC) are included in the "Justice Assistance" appropriation.

ACCOMPLISHMENTS AND WORKLOAD: During 1993, the Office for Victims of Grime expects to award funds to 49 States for Victim Compensation programs and 57 States and territories for Victim Assistance programs. In 1994, the Office anticipates awarding funds to 50 States for Victim Compensation programs. At least two meetings of appropriate State Officials are to be convened by the Office to facilitate monitoring and administrative review of the Compensation and Assistance grant programs. Training and technical assistance will be provided to State administrators during 1993 and 1994.

to tribes. The purpose of the CJA grant program is to enable Federally-recognized Indian tribes to improve the investigation, prosecution, and handling of child abuse cases in a way that lessens trauma to the child victim. These grants are resulting in a range of systemic improvements In 1991, OVG initiated the Children's Justice Act (CJA) grant program for Native Americans and awarded 20 grants totalling \$1,081,672 directly that include: training for multi-disciplinary teams; revision of tribal codes to address child abuse; child advocacy services for children involved in the court process; protocols for reporting, investigating, prosecuting, and treating child sexual abuse cases; and improved case management and treatment services. Two training and technical assistance gants were awarded to Native American non-profit organizations to provide regional training annon-profit organizations to provide regional training amon-site consultation to Indian tribes that received subgrants or grants to develop crime victim assistance services or improve their reaponses to serious cases of child abuse, especially child sexual abuse. In 1993, OVC avarded three new grants directly to tribes and provided continuation funding for four others. In 1994, OVC will avard grants to develop model programs that can be replicated in Indian Country. The Office awarded grants to several national organizations for training and technical assistance to victim assistance programs; grants to develop guidelines for the role of law enforcement in child abuse cases; to provide direct services to sexually exploited minors and to conduct training in this area; to provide training to clergy on domestic violence and other victims' issues; and grants to improve services for survivors of homicide.

officials, including Assistant U.S. Attorneys, LECC/Victim-Vitness Coordinators, and Federal investigators. In September 1992, OVG co-sponsored a "Four-Corners Child Sexual Abuse in Indian Country" conference in Durango, Colorado. Scholarships were provided for 100 Native Americans to attend. Also, over 700 copies were distributed of a child witness video, which was intended for Native American children expected to testify in Attorneys, with OVC approval, to provide emergency services to Federal victims when no other services exist. Additionally, OVC will continue discretionary grant programs to support the development of programs to assist Federal victims of crime in Indian country. Under this program, grants were awarded to 15 States to provide victim assistance services on Indian reservations. The States subgranted these Federal funds to 52 Indian tribes or tribal organizations that have initiated, expanded, or improved "on-reservation" services for violent crime victims. In 1994, OVC plans to extend this successful programs so other tribes on areas of Federal jurisdiction can work with State assistance programs to establish victim assistance services in their communities. The State agencies appointed by the Governor to receive VOCA funds in Alabama. Colorado, Florida, Iowa, Louisiancherstpipi, Nebraska, North Carolina, Oklahoma and Taxas are eligible to apply. Efforts in 1991 included training programs for Federal prosecutors, investigators, and victim-witness coordinators on handling cases of child abuse in the Federal criminal justice system. In February 1992, OVC and the National Children's Advocacy Center in Huntsville, Alabama co-sponsored a training either Federal or Tribal court. Through a cooperative agreement with the Federal Law Enforcement Training Center, Federal law enforcement officers are trained to respond effectively to the needs of crime victims and comply with the provisions of the Victim and Witness Protection Act of 1982. On January 27-30, 1991, OVC sponsored special training for Federal, State, and tribal officials in Denver, Colorado on effective approaches to combatting child exploitation and responding to the large numbers of sexually exploited children. conference on child sexual abuse. OVC worked with EOUSA to provide other specialized training opportunities for Federal law enforcement To directly aid victims of Federal crime, OVC allocated \$100,000 to the Executive Office for U.S. Attorneys (EOUSA) to be used by U. S.

Initiatives expected in 1993 include: regionally-based training for local and State law enforcement agencies on responding to family violence; Children's Justice Act (CJA) grants made directly to Indian tribes to improve the investigation, prosecution and handling of cases of child abuse, particularly child sexual abuse; training and technical assistance programs to assist Victim Assistance in Indian Country subgrantees and CAS grantees to establish "on reservation" services and train personnel; continued training for Federal law enforcement officers, Assistant U.S. training and technical assistance focused on enhancing victims services to sexually exploited children; dissemination of training and technical assistance designed to improve State and local criminal justice system responses to crime victims (i.e. corrections, probation, parole, legal assistance); dissemination of State and regional training designed to improve victim services to victims of drug-related crime; sponsorahip of topic-specific training events to improve victim services on specific, timely issues of concern; provision of training to victim service to providers in the areas of program development, management, evaluation and direct service; and provision of training and technical assistance to law enforcement officers, prosecutors, judges and victim service providers in the area of sexual assault, minority issues, domestic violence Attorneys and Victim/Witness Coordinators; funds to enable U.S. Attorneys to provide emergency services to Federal victims; continued support for the grant program to States for the development of victim assistance services in Indian country; implementation of the Victims Rights and Restitution Act and the Victims of Child Abuse Act of 1990; information clearinghouse function through the National Victims Resource Center; including elderly abuse, and mental health treatment.

awarded a training and technical assistance grant to the National Victim Center. A three-day conference is being planned and a participant's training manual is currently being developed for distribution in September 1993. OVC has also entered into interagency agreements with the Executive Office for U.S. Attorneys and the Criminal Division, DOJ, to provide internalized DOJ training to Assistant U.S. Attorneys an effort to provide the most comprehensive, in-depth victim assistance training available to Federal Victim/Witness Goordinators, OVG

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nationwide. This effort is being accomplished through the Office of Legal Education and the major focus is on the prosecution of child sexual abuse and exploitation cases.

PROGRAM CHANGE:	1992 Obligations	1993 Obligations	1994 Obligations	Increase/Decrease
Crime Victims Fund	\$161,421	\$150,901	\$154,800	\$3,899
The following chart displays a breakdown of projected obligations by program. The obligation amount for 1992 includes the \$127,968,462 collected in 1991 plus the unobligated balance of \$34,298,474 carried over from 1991. In 1993, obligations represent the \$150,000,000 already	ojected obligations by p of \$34,298,474 carried	rogram. The obligation over from 1991. In 19	n amount for 1992 includ 33, obligations represen	ies the \$127,968,462 it the \$150,000,000 already

÷ The following chart displays a breakdown of projected conigations by property. In 1991, obligations represent the \$150,000 collected in 1991 plus the unobligated balance of \$34,298,474 carried over from 1991. In 1993, obligations are also expected to reach the cap in 1993, making \$150,000,000 available for obligation in 1994. Estim

	Estina	Estimated 1993 Obligations	***************************************	Estimated 1994 Obligations
	Allocation of 1992 Collections	Unobligated Carryover	Total	(Allocation of 1993 Collections)
Compensation	\$68,500	•	\$68,500	\$70,780
Assistance	68,500	\$147	279'89	70,780
HHS/Children's Justice	9,325	•	9,325	9,325
Children's Justice/Native American	675	857	1,133	675
Federal Program	3,000	296	3,296	3.240
Total	150,000	106	150,901	154,800

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Office of Justice Programs

Crime Victims Fund

Status of Congressionally Requested Studies, Reports, and Evaluations

Section 1407(g) of the Victims of Crime Act of 1984, as amended by the Anti-Drug Abuse Act of 1988, requires that the Director of the Office for Victims of Crime shall on December 31, 1990, and on December 31 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter. The report will be submitted in April 1993.

Crime Victims Fund

Summary of Requirements by Grade and Object Class (Dollars in thousands)

Object Class	1992 Actual Amount	1993 Estimate Amount	1994 Request Amount	Increase/Decrease Amount
11.1 Full-time permanent	::::	: : : :	::::	::::
Total	:	:	:	:
	:	:	:	:
13 Benefits of former personnel	\$76	\$38	\$38	::
22 Transportation of things	:	:	:	• • •
	: :	: :	: :	: :
		:	:	:
24 Printing and reproduction	327 *	350 *	350 +	: :
	:	:	:	:
54 Grants, subsidies, and contributions	161,015	150,513	154,412	\$3,899
Total obligation	161,421	150,901	154,800	3,899
Recovery of prior year obligations	- 991 -		: :	
Unobligated balance, end-of-year	901	:	:	
Total requirements	127,968	150,000	154,800	
Relation of obligations to outleys: Total obligations	161.421	150.901	154,800	
Obligated balance, start-of-year	72,091	83,192	102,357 -100,716	
Adjustments in unexpired accounts	-991 149,329	131,736	156,441	

^{*} Amounts for object classes 24 and 25 are reversed in Budget Appendix.

Mr. Mollohan. The committee welcomes the Acting Assistant

Attorney General, S.S. Ashton.

Mr. Ashton, we will place your biography in the record at this point. We will also place your written testimony in the record. [The biographical sketch of S.S. Ashton follows:]

Name: Mr. S.S. Ashton, Jr.

Title and organizational unit: Acting Assistant Attorney General, Office of Justice Programs.

Date and place of birth: March 2, 1925, Washington, D.C. Education: U.S. Military Academy, B.S., 1946, Technical and Management Schools

within Department of Defense.

Work experience: Commissioned in U.S. Army from West Point in 1946. Served in command and staff positions of increasing responsibility both in the United States and overseas. Commanded Signal Corps Company in Korean War. Commanded Department of the Army Communications Center-Pentagon. Chief of Communications Operations—NATO Southern Command Headquarters, Naples, Italy. Commanded Signal Corps Group in Vietnam War. Chief Research and Development unit for long range U.S. Army planning. Chief Communication Operations Division—Strategic Army Communications in Pacific and Asia.

Retired from U.S. Army in 1970 as Lieutenant Colonel.

Joined the Law Enforcement Assistance Administration (LEAA), Department of Justice in 1972 as its first communications specialist. Managed the Upgrade of the National Law Enforcement Telecommunications System. Project Monitor for the National Law Enforcement Communications Study. Project Monitor for the Upgrade of the Los Angeles Emergency Communications System. Deputy Director, System.

tems Development Division (Computers and Communications).

Transferred to Bureau of Justice Statistics in 1979 upon its activation. Assistant Director for Coordination of Federal Assistance. Director of State Statistical & Sys-

tems Programs. Acting Deputy Director of the Bureau of Justice Statistics.

Professional affiliations: Member, Institute of Electrical and Electronic Engineers. Fellow, Radio Club of America.

Family: Married, one daughter.

Mr. Mollohan. We are going to ask you to suspend your opening statement to accommodate Mr. Moran's schedule, and he would like to ask you a few questions, but he has a meeting pending. Mr. Moran?

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

TITLE V-INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION **PROGRAMS**

Mr. Moran. Thank you, Mr. Chairman.

Actually, I am sitting next to Ms. Reno at the opening of the DEA office in Arlington, and it starts at 11 o'clock, so I think I am

going to have to hustle to do that.

But I was interested in, particularly, in Title V of the Juvenile Justice and Delinquency Prevention Act. It authorized \$30 million. It seems to be one of these investment things that are consistent with what the Clinton Administration has been interested in funding because it pulls together all the health and social services, the NGOs and the local governing body to work on solutions for juvenile delinquency. I know you are familiar with it, but no money was asked for whatsoever. It was authorized at \$30 million last year, and you have attempted to zero it out. So I was just curious as to why you would want to do that and why is it not consistent with President Clinton's initiatives?

Mr. Ashton. I have John Wilson here, who is the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention.

Mr. Moran. You are the one that zeroed it out, John?

Mr. Wilson. I won't take that responsibility, Congressman.

The prevention program was put in the statute when it was reauthorized on November 4, 1992. That was after the appropriations process for fiscal year 1993. Because of the budget constraints, we are not starting any of the new programs that were authorized in 1992.

I think that the Title V prevention program has a great deal of potential. We in OJJDP accomplished a lot in the prevention area up until 1980 or so, when our priorities changed. I also know, of course, that Attorney General Reno is very interested in prevention programs, not only because of its potential effectiveness but because it is potentially much less expensive than trying to treat, rehabilitate and adjudicate delinquents.

So we will look at the program very carefully prior to our 1995 budget request and make an appropriate recommendation for fund-

ing in fiscal year 1995.

BUDGET OMITS PROGRAMS AUTHORIZED LATE IN 1992

Mr. Moran. That is really not good enough, though.

You are saying that, regardless of merit, you made a decision not to fund anything new, only because it didn't get authorized until November. And, thus, it wasn't able to get included in the budget submission. You just made an arbitrary decision to wipe out any program, regardless of merit, that was not included in last year's budget. But you are saying now you will look at it a year-and-a-half from now.

Mr. Wilson. Congressman, the Title V prevention program has never received funding as yet. In fiscal year 1994, the feeling was that it was important to preserve programs that were in place.

Mr. Moran. Actually, it used to be pretty well funded through

LEAA, and it had its own program in HHS and so on.

Mr. Wilson. We will be able to redirect a significant amount of our existing resources under Title II to prevention programming in fiscal year 1994. In fact, we have a comprehensive strategy to deal with serious, violent and chronic delinquency that includes a very strong prevention component. So we will not be idle in that area at all.

Mr. Moran. All right. You might want to keep us posted on that. I thank you.

Thank you for your indulgence, Mr. Chairman. See you soon.

Mr. Mollohan. Okay.

STATEMENT OF S.S. ASHTON

Mr. Mollohan. Mr. Ashton, if you would now proceed with your oral statement, please. I will remind you your written statement will be made a part of the record.

Mr. Ashton. To summarize briefly, the 1994 budget request for the Office of Justice Programs is \$665,652,000 and 343 positions, which represents a decrease of \$1.647 million and five positions below the 1993 anticipated appropriation. This request included an increase of \$5.438 million for adjustments to base and program de-

creases totaling \$7.085 million.

This budget request will maintain most of our programs at essentially the 1993 funding level. These include the National Institute of Justice and the Bureau of Justice Statistics, the Bureau of Justice Assistance, Regional Information Sharing Systems and the Juvenile Justice programs, including the two child abuse programs that are administered by the Office of Juvenile Justice and Delinquency Prevention.

ANTI-DRUG ABUSE PROGRAM

The big-ticket item, the Anti-Drug Abuse Program, will be maintained at a level of \$496 million. \$50 million will be for discretionary programs; \$13 million will be provided to the FBI for the fourth and final year of funding the NCIC 2000 program; \$2 million for the Metropolitan Area Drug Enforcement Task Force; and for the formula grant program, \$431 million.

Under the \$50 million discretionary program, \$16 million will be available for the costs related to the participation of State and local law enforcement agencies in Federal task forces, \$8 million will be targeted at the expansion of boot camp projects, and \$10

million will be set aside for the Weed and Seed program.

MISSING CHILDREN PROGRAM

The budget request includes \$5.971 million for the Missing Children Program, which represents a reduction of \$2.5 million below 1993. This request eliminates \$500,000 in funding for the Missing Alzheimer Patient Alert Program, which has now been funded for two years. We believe that this may be more appropriately continued in another executive department, such as the Department of Health and Human Services. Although the Missing Children Program level is being reduced by \$2 million, carryover funds are expected to be available to maintain the program.

MARIEL CUBANS PROGRAM

A decrease of \$2.5 million is requested to eliminate funding for the Mariel Cubans program. Since 1985, over \$42 million has been provided to the States to assist them in this program and, given the current budget austerity, this continued funding of this program does not appear to be justified.

MANAGEMENT AND ADMINISTRATION

Management and Administration, the dollars needed to administer the multitude of programs that we have at the Office of Justice Programs is being reduced by \$2.085 million and five positions and workyears. These decreases are for the overall reduction of administrative expenses that the President has mandated and also as part of the 100,000 positions that the President has announced that he is going to reduce over a three-year period.

PUBLIC SAFETY OFFICERS BENEFITS

\$28.909 million is requested for PSOB activities. This is the base funding level. The Death Benefits program is reduced by \$2 million and an increase of \$2 million is requested for the PSOB Disability program.

CRIME VICTIMS FUND

The Crime Victims Fund is self-supporting.
That concludes the summary of the statement, sir.
[The prepared statement of Mr. Ashton follows:]

DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS

STATEMENT OF THE ACTING ASSISTANT ATTORNEY GENERAL S. S. ASHTON
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before the Subcommittee today in support of the 1994 budget request for the Office of Justice Programs. The request for the Justice Assistance account is \$665,652,000 and 343 positions, which represents a decrease of \$1,647,000 and five positions below the 1993 anticipated appropriation of \$667,299,000 and 348 positions.

The amount requested includes an increase of \$5,438,000 for adjustments to base and program decreases totaling \$7,085,000.

The budget request will maintain most of our programs at the 1993 funding level, including the research and statistical programs of the National Institute of Justice and the Bureau of Justice Statistics and the Regional Information Sharing System program of the Bureau of Justice Assistance. The Juvenile Justice program, as well as the two Child Abuse programs administered by the Office of Juvenile Justice and Delinquency Prevention, will also be continued at the 1993 level.

For 1994, the Anti-Drug Abuse Program will be maintained at the base funding level of \$496,000,000. This amount will provide

\$50,000,000 for the Discretionary program; \$13,000,000 for the fourth and final year of funding for the Federal Bureau of Investigation's NCIC 2000 project; \$2,000,000 for the Metropolitan Area Drug Enforcement Task Force; and \$431,000,000 for the Formula grant program, which is an increase of \$8,000,000 over the 1993 level. Under the Discretionary program, \$16,000,000 will be available for costs related to the participation of State and local law enforcement agencies in Federal task forces, \$8,000,000 will be targeted at the expansion of boot camp projects, and \$10,000,000 will be allocated to the Weed and Seed program.

The budget request includes \$5,971,000 for the Missing Children Program, which represents a reduction of \$2,500,000 below the 1993 funding level. The request eliminates \$500,000 in funding for the Missing Alzheimer Patient Alert program, which has now been funded for two years. This project would be more appropriately continued by another Federal agency, such as the Department of Health and Human Services. Although the Missing Children program level is reduced by \$2,000,000, carryover funds are expected to be available and achievement of the program's legislative goals and objectives will not be adversely impacted.

A decrease of \$2,500,000 is requested to eliminate funding for the Mariel Cubans program. Since 1985, over \$42 million has been provided to the States to assist them in covering the cost of incarcerating Mariel Cubans who have been sentenced for violating State laws. Scarce Federal resources do not justify continued funding of this program.

Funding for Management and Administration is reduced by \$2,085,000 and five positions and workyears. The total includes a \$1,755,000 reduction in administrative expenses to assist in controlling the Federal budget deficit. A cut of \$330,000 and five workyears helps respond to the President's goal of reducing Federal civilian employment by 100,000 positions over a three-year period.

A total of \$28,909,000 is requested for the Public Safety Officers' Benefits (PSOB) program. The total represents the base funding level, however, the Death Benefits program is reduced by \$2,000,000 and the Disability Benefits program will be increased by \$2,000,000. The funding level for the Death Benefits program, which is a mandatory account, is expected to be sufficient to pay all eligible claims. The PSOB Disability Program, which is a discretionary account, is currently not funded.

The Crime Victims Fund, which is financed by Federal criminal fines, bond forfeitures, and penalty assessments, is budgeted at \$154,800,000. Resources in the Fund are used to support State compensation and assistance programs that improve services provided to innocent crime victims in America. The program level for 1994 is based on our estimate of collections in 1993.

This concludes my statement, Mr. Chairman. I would be pleased to answer any questions you or other members of the Subcommittee may have.

INTRODUCTION OF WITNESSES

Mr. Ashton. I would be pleased to introduce, if I may, the staff accompanying me.

Mr. Mollohan. Please. I am sorry we didn't do that.

Mr. Ashton. Phyllis Black, who is the Director of the Budget Staff, Office of Justice Programs; Jack Nadol, who is the Acting Director of the Bureau of Justice Assistance; and John Wilson, who is the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention.

TITLE V-JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. Mollohan. Thank you, Mr. Ashton, for introducing your col-

leagues.

The question Mr. Moran asked about the funding of the Juvenile Justice and Delinquency Prevention Act, as I understood that response to Mr. Moran's question, you simply did not fund it. It wasn't authorized last year, so it wasn't funded last year. At the time we marked up, it wasn't authorized. And you just decided, given the budgetary constraints and the value of this program in competition with other funds, it didn't merit your requesting appropriation. Does that summarize your response to Mr. Moran?

Mr. Wilson. Yes. That is correct.

Mr. Mollohan. What programs were in competition with this program for funding as you went through your considerations?

Mr. Wilson. Our request for fiscal year 1994 is to continue pro-

grams at the current level.

Mr. Mollohan. Continue existing programs?

Mr. Wilson. Existing programs.

Mr. Mollohan. Was there any analysis which considered the benefits and values of those programs in competition with the potential benefits of the JJDPA program?

Mr. Wilson. We have for this current fiscal year \$73 million available for Juvenile Justice and Delinquency Prevention, which is our basic Title II program. Seventy percent of those funds, or about \$51 million, goes directly to the States as formula grants.

We ask, through the statute, a great deal of the States in return for that money in terms of the deinstitutionalization of status offenders, separating juveniles from adults in institutions and remov-

ing juveniles from adult jails and lockups.

As of fiscal year 1994, efforts to reduce minority overrepresentation in juvenile facilities is a fourth mandate of the statute. We feel it is essential to maintain the funding for the States and, given the budget situation, any funding that would have gone to the new programs authorized in the 1992 reauthorization would have meant decreases in Title II funding and would have had a very serious negative effect on those State programs.

Incidentally, the States have authority, under their Title II funding, to do prevention programming. And while there are a numerous priorities in the juvenile justice area, we hope that, as the States accomplish the mandates and are increasingly able to focus those resources on other priorities, that prevention will receive a

greater share of the formula grant resources.

MISSING ALZHEIMERS PATIENT ALERT PROGRAM

Mr. Mollohan. Okay. Thank you.

What is the status of the Missing Alzheimer's Patient Alert Program which Congress appropriated \$500,000 for in fiscal 1992/1993?

Mr. Wilson. At this point in time, about \$300,000 of the fiscal year 1992 award has been spent to implement that program. The program is called the Safe Return Program. They have developed program materials for distribution, and have contracted with the National Center for Missing and Exploited Children to operate an 800 hot line number to report missing Alzheimers patients. We anticipate that the 1993 award, the additional \$500,000, plus the remainder of the 1992 award, will get that system very firmly in place.

We feel that the expertise that was needed to put this system in place through the Office of Juvenile Justice and Delinquency Prevention and the National Center for Missing and Exploited Children, will not be needed once this program is set up. This program would be more appropriately housed in the National Institute for

Mental Health or the National Institute on Aging.

Mr. Mollohan. Do you have any reason to believe that those

agencies would take over responsibility for the program?

Mr. Wilson. I think, beyond the Safe Return Program and the tracking of missing Alzheimers patients, there are a number of other research issues and program issues around Alzheimers and similar diseases that would be more appropriately handled in the National Institute of Mental Health and the National Institute on Aging. Our particular expertise has already been brought to bear in the tracking of the missing Alzheimers patient tracking program

Mr. Mollohan. Does that answer my question? Did you under-

stand my question?

Mr. Wilson. I was attempting to answer your question.

Mr. Mollohan. Do you have any reason to believe that those agencies or those departments would take over responsibility for this program?

Mr. Wilson. I have not spoken with them directly, so the answer

would be, no, I don't.

Mr. Mollohan. So you are recommending that they take over responsibility, without ever having contacted then, and asking them if they would be inclined to, is that correct?

Mr. Wilson. Yes.

FUNDING FOR ALZHEIMER DISEASE SAFE ALERT PROGRAM

Mr. Mollohan. Sorry. That was just my question.

The Missing Children Program—well, let me go back. You indicated that, in the Alzheimer program, that you were obligating 1992 funds still at this point.

Mr. Wilson. Of the 1992 award of \$500,000, \$300,000 has been spent to date by the Alzheimers Disease and Related Disorders Organization as the grantee.

Mr. Mollohan. So there is \$200,000 unspent?

Mr. Wilson. That is being spent. And once that money is spent, the fiscal year 1993 award will follow.

Mr. Mollohan. And that hasn't been obligated at all?

Mr. Wilson. No, sir.

Mr. Mollohan. And then you are recommending elimination for the reasons you stated. Somebody else can pick it up.

How do you assess the work of that program? Could you com-

ment on that?

Mr. Wilson. I have read the quarterly reports and the annual report for 1992, and I think they are doing a very good job utilizing their national organization. They have designated six regional chapters as contact points for their six regions to implement the program and get the word out to all of the families of Alzheimers patients, and I think the program is coming along very well. It seems to be very professionally operated.

Mr. Mollohan. So your recommendation—or the Department's recommendation—for eliminating the funds doesn't have anything to do with your assessment of the merit of the program or its effectiveness. It is just simply you feel it would be more appropriately

handled by another department?

Mr. Wilson. That is correct.

Mr. Mollohan. Okay. Is there not a similarity between the Alzheimers program and the Missing Children's Program? But you are not recommending that the Missing Children's Program be handled

by somebody else.

Mr. WILSON. No. I think in terms of the tracking and recovery process for Alzheimers patients that there certainly is a parallel with the Missing Children's Program and the National Center for Missing and Exploited Children, in particular, but I think the similarity ends there.

With respect to missing children, there are a lot of other aspects, around sexual abuse and exploitation and working with community agencies to prevent abductions of children and the like, that are

much different.

As I say, I think our unique expertise with respect to the tracking program has already been brought to bear. There certainly will be no need, once the full \$1 million has been spent and that program is in place, for our expertise.

MISSING CHILDREN PROGRAM

Mr. Mollohan. Why were the amounts appropriated for this purpose last year not obligated in their entirety?

Mr. Wilson. For the Alzheimers program?

Mr. Mollohan. No. For the Missing Children's Program. You propose a \$2 million reduction this year because you have unobligated funds in the previous year, is that correct?

Mr. Wilson. Yes.

Mr. Mollohan. Why aren't they obligated?

Mr. Wilson. There was a carryover in the Missing Children's Program of \$2.8 million from 1991 to 1992, and from 1992 to 1993 \$4.4 million. We will actually be obligating this year over \$10 million for Missing Children's Programs. We anticipate carrying over a little over \$2 million to fiscal year 1994, which includes the funds that have been earmarked for the NISMART II study, a national

incidence study of missing children, and the remaining \$800,000 would be used for continuation programs in fiscal year 1994.

It is difficult for me to tell you, specifically, why those funds were not spent in the years for which they were appropriated. I think with change in the Missing Children Program Coordinator and the Administrator position in OJJDP that it was just a matter of being cautious on how the money was spent. My sense from talking with the former Coordinator of the Missing Children's Program was that they wanted to be very sure that the funds were properly spent and that there simply were no other identified priorities in the Missing Children's Program that justified spending the rest of the money.

Mr. Mollohan. Well, the committee certainly wouldn't try to force you to spend funds that couldn't be spent well. But let me ask

you, is your office totally committed to the program?

Mr. WILSON. Yes, we are. We think it is a very important program. All Divisions in the Office participate in implementing the

program, so we all have a stake in it.

Our program announcement for fiscal year 1993 will be in the Federal Register later this week, and there are a number of new initiatives in the Missing Children's Program area for 1993, as well as continuation of some other very important efforts. I think we have a fairly comprehensive program.

Our program plan proposal for fiscal year 1993 only received four

comments. They were relatively minor comments.

So I believe that the people in the field of missing children believe that we are satisfactorily carrying out those responsibilities. Yes, we are very committed to the program.

EFFECTIVENESS OF MISSING CHILDREN PROGRAM

Mr. Mollohan. How do you measure the effectiveness of the pro-

gram? And what is your assessment of its effectiveness?

Mr. Wilson. A lot of the effectiveness is in terms of recoveries, in terms of being able to provide advice and investigative services, referrals of parents with missing children to appropriate agencies, and getting State and local law enforcement as well as Federal law enforcement to carry out their responsibilities for missing children's cases. I think we are making a good deal of progress in that regard.

Mr. Mollohan. Can you talk about that progress statistically?

Mr. Wilson. I could submit for the record some information for you in terms of recoveries of missing children.

Mr. Mollohan. As a result of this program?

Mr. Wilson. As a result of this program through the National Center for Missing and Exploited Children.

Mr. Mollohan. How many numbers would you be talking

about—just ball park?

Mr. Wilson. I couldn't tell you numbers of recoveries of the various categories of children off the top of my head, but I will be happy to submit that information for the record.

Mr. Mollohan. Is there anyone here who could?

Mr. Wilson. The counsel for the National Center for Missing and Exploited Children is here, Judy Schretter. If she could address that issue——

Ms. Schretter. I am afraid I can't give you exact numbers, but quite a number of the calls that we get at the center are family abductions. In family abductions, there is quite a bit of recovery of the cases that are reported to the National Center.

As Mr. Wilson said, I think our reports to OJJDP would more accurately reflect the numbers and the information that you are

seeking.

Mr. Mollohan. Well, it is a really important issue. Many of us have children and, if we don't, it is not hard to understand the importance of the program. I would be very interested in knowing how you measure your success and to what extent it has been successful, even if you have not entirely obligated the funds. Perhaps you could let us know what you intend to do to make the program more effective in the future with the funds that you do get.

[The information follows:]

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN REPORT AS OF APRIL 1, 1993

HOTT.INE

HOTLINE				
CALLS FOR SERVICE	(1984 - Pres) (1st Quarter '93)		639,470 23,799	
CITIZEN LEADS/SIGHTI	MGS (1984 - Pres) (1st Quarter '93)			
HOTLINE IS CURRENTLY	AVERAGING ALMOST	600 C	ALLS PER WEE	KDAY
NCHEC CASES				
MISSING CHILD CASES	(1984 - Pres) (1st Quarter '93)		32,769 2,464	
FAMILY ABD ENDANGERED	ABDUCTIONS UCTIONS		_,	
MISSI	NG		1,527	
CHILD SEXUAL EXPLOIT	ATION CASES		2,344	
nchbc/of assistance : Missing Childred Decras	N (1984 - Pres)		21,928 332	
OF ASSISTANCE IN RECONON-PAMILY DECRAS	ABDUCTIONS		549 187	
FAMILY ABOUT DECRAS			5,591 14	
ENDANGERED DECEAS			15,121 65	
LOST, INJUR NISSIN DECRAS			664 66	
INFORMATION/ASSISTANCE TO	GENERAL PUBLIC			
REQUESTS THROUGH HOTE	INE (1984 - Pres) 1st Quarter '93)		512,491 20,400	
PUBLICATIONS DISSEMIN	ATED	6	,732,640	
PROFESSIONAL TRAINING (Includes law enforce juvenile justice, and professionals)		40.40	120,804	

WEED AND SEED PROGRAM

Mr. Mollohan. Has your role in the Weed and Seed program changed under the new administration?

Mr. Ashron. No, it hasn't. I haven't talked to the Attorney General personally about that, but from public and private announce-

ments she is very much in support of this.

The U.S. Attorney that was in charge of the Executive Office for Weed and Seed has departed, and no replacement has yet been announced. The Office of Justice program provides on an informal basis personnel support for that office.

We have set aside \$10 million from the Anti-Drug Abuse discretionary program, and there are funds in the Executive Office for

Weed and Seed within the Department.

VICTIMS OF CHILD ABUSE PROGRAMS

Mr. Mollohan. For the first time, the Department requests funds at last year's levels for victims of child abuse programs. This program is authorized at a much higher amount. However, we may wish to avoid ramping up on the program too quickly if the money cannot be used in an effective and efficient manner. Have you performed formal evaluations of these programs and do you believe the amounts appropriated to date have been well spent?

Mr. Ashton. I would like to ask John Wilson to respond to that

again.

Mr. Wilson. Yes, Congressman, both the program for training law enforcement——

Mr. Mollohan. They are working you awful hard today.

Mr. Wilson. Yes. Training for prosecutors in child abuse and neglect, that program is funded at \$1.5 million, and began in fiscal year 1992. A companion program for training for judges in child abuse and neglect also started in fiscal year 1992 for half a million dollars. Those programs are continuing this year at the same funding levels. We have asked for the same amounts of money for fiscal year 1994 for those programs.

As far as evaluation is concerned, it is difficult to evaluate the impact of training, and the monies that we have available for evaluation are scarce. From an anecdotal standpoint, clearly from talking with prosecutors and talking with judges, they feel that knowing and having information available about abuse and neglect cases and how to investigate, prosecute and judge those cases is going to greatly improve our ability to respond effectively to abuse and neglect cases.

The extent to which we will formally evaluate those programs in the future is still an open question. But I do think we need to look at some point and see, in terms of efficiency and in terms of our ability to properly prosecute and try those cases, whether we are

being successful.

PUBLIC SAFETY OFFICERS BENEFIT PROGRAM

Mr. Mollohan. Okay.

Mr. Ashton, a question about the testimony that you gave on the next-to-the-last page. You say a total of \$28,909,000 is requested for the Public Safety Officers Benefit Program?

Mr. Ashton. Yes, sir.

Mr. Mollohan. The total represents the base funding level. However, the death benefits program is reduced by \$2 million. I assume that is just your assessment of what will be required.

Mr. Ashton. Yes, sir.

Mr. Mollohan. And then the disability benefits program will be increased by \$2 million. And that, likewise, is based upon your expected demand?

Mr. Ashton. Yes, sir.

Mr. Mollohan. And do you expect that that increase will cover the requirements for the disability benefits program?

Mr. Ashton. It does. Yes, sir.

Mr. Mollohan. There are a few additional questions which we would like to submit for the record.

We appreciate your testimony here this morning.
Mr. Ashton. Yes, sir.
Mr. Mollohan. Thank you very much.

Mr. Ashron. Thank you.

[The following questions were submitted to be answered for the record:

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QUESTIONS SUBMITTED BY CONGRESSMAN MOLLOHAN

- Missing Children

QUESTION: Your justification (page 36) for Missing Children leads to the conclusion that you plan to spend only the requested \$5.9 million for this program -- \$3.7 for the Mational Clearinghouse and \$2.2 for "the remaining programs." What are your plans for the \$2 million in prior year unobligated balances?

ANSWER: It is anticipated that approximately \$2,000,000 will be carried over into 1994. Of that amount, \$1.5 million is committed to a 1993 program entitled the "Second National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children (NISMART II)." Two cooperative agreements were awarded in July and September of 1992 for the purpose of conducting additional analyses of NISMART I data files regarding runaways, thrownaways, abductions, and "otherwise missing or displaced children." Consequently, the findings and recommendations from these two programs will be incorporated in a detailed solicitation in 1994. Therefore, these funds would be obligated in 1994 and not in 1993. The remaining funds of approximately \$800,000 will be used to fund continuation programs in 1994.

Federal/State Partnerships

QUESTION: What will your role be in administering the new Federal State Partnerships fund requested for 1994?

ANSWER: The Attorney General is currently reviewing options for the administration of Federal/State Partnerships, one of which is to have the new programs run by the Office of Justice Programs (OJP). While no permanent role has yet been determined for OJP, the Bureau of Justice Assistance (BJA) has been actively involved with a number of the programs which are part of the new Federal/State Partnership, as described below:

Community-Oriented Policing. Programs such as Problem Oriented Policing, Innovative Neighborhood Oriented Policing, Weed and Seed, Safe Haven and others, all containing elements of Community-Oriented Policing have been and continue to be funded. BJA has also developed a prototype for a comprehensive community policing program and four jurisdictions will be selected this summer to demonstrate the prototype. A consortium of the International Association of Chiefs of Police, the Police Foundation, the Police Executive Research Forum, and the National Sheriffs' Association was established to develop the prototype. In addition to the prototype, technical assistance and a training curriculum, are available to support implementation of Community-Oriented Policing at the local level.

<u>Crime Prevention</u>. BJA has provided training for proactive crime prevention in the community. BJA supports the National Citizens Crime Prevention Campaign which generates

both an individual and community sense of responsibility for preventing crime, violence, and illicit drug use. These efforts include public service advertising, featuring McGruff, the widely recognized Crime Dog; police/community partnership programs; dissemination of information and materials; and technical assistance and training. BJA also supports the Drug Abuse Resistance Education (DARE) Program that involves local police officers in a program to teach children the skills needed to recognize and resist pressures that cause them to experiment with drugs and alcohol. More than 14,500 law enforcement officers have been trained by or with the assistance of the five BJA-supported DARE Regional Training Centers. Approximately 13 million elementary and junior high school students in the United States received DARE training in school year 1992-93. A number of other community-based programs, such as the Wings of Hope Anti-Drug and the Neighborhood Mobilization Programs have been funded, which are designed to encourage citizens to take an active role in preventing crime and drug abuse in their neighborhoods.

Criminal Records Upgrade. A major priority under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program has been the upgrade of criminal justice records within the States. Over the past three years, this program which is administered by the Bureau of Justice Statistics (BJS) and funded by BJA, has provided over \$27 million of Discretionary Grant Program funds to assist the States with the upgrading of their criminal history records. Beginning in 1992, the States have been required to use at least five percent of their Formula Grant Program funds to improve criminal justice records. BJA guidelines required the States to develop a criminal justice records improvement plan under the guidance of a records improvement task force. These plans provide a framework for the effective and efficient use of any additional Federal funds for criminal records upgrades.

QUESTION: Does it make sense to appropriate these funds into a separate appropriation account? Would it not make more sense, as far as maximizing efficiency and minimizing overhead costs, to fund them under the Office of Justice Programs which normally administers State and local grant programs for the Department?

ANSWER: The current budget proposal provides the Attorney General with the maximum amount of flexibility to implement the Federal/State Partnership effectively and efficiently. We at the Office of Justice Programs, are ready to provide any assistance the Attorney General believes will contribute to the overall success of this effort.

Mariel Cubans

QUESTION: Is the \$2.5 million provided in 1993 anywhere close to funding the full amount requested by the various states to reimburse them for the cost of incarcerating

ા પ્રાપ્ત કર્યા છે. આ પાસે મોટ મણે સીધા સ્થાન સ્થાફિત સાથે કે ક્ષેત્રો ફિલ્મોર્થ

Mariel Cubans convicted of violating State crimes? How much was requested by the States?

ANSWER: In 1993, 38 States requested reimbursement for the costs of incarcerating 2,423 inmates verified as Mariel Cubans by the Immigration and Naturalization Service. These inmates were incarcerated for a total of 25,469 months. Full reimbursement at the authorized rate of \$12,000 per year, would have required a 1993 appropriation of \$25,469,000.

Elimination of this program has been proposed because it is of limited benefit to the participating States. At the current funding level, the Mariel Cuban Program, reimburses States for only a very small portion of the total costs of incarcerating Mariel Cubans. The <u>Corrections Yearbook</u>, 1992, published by the Criminal Justice Institute reports that the average cost of incarcerating an inmate in a Federal or State prison was \$48.51 per day. In 1993, the annual reimbursement to the States under the Mariel Cuban Reimbursement Program equaled \$1,178 per inmate, which covered the incarceration costs for approximately 24 days. In 1993, only seven States received more than \$100,000, while 15 received less than \$10,000.

During this time of scarce Federal resources and growing demands to make our streets safer, this program is not a high enough priority to command a share of the limited funds available. Congress reduced the level of funding from almost \$5 million in 1992 to \$2.5 million in 1993. The proposed action for 1994 offers the final step toward elimination of the Mariel Cuban Reimbursement Program.

Emergency Assistance

QUESTION: You request no additional funds for Emergency Assistance in 1994. How much in prior year unobligated balances is currently available?

ANSWER: At present, \$195,158 remains available to address law enforcement emergencies. At the time the 1994 budget was prepared, almost \$1.8 million was available for the program. Most of these funds were expected to remain available for the foreseeable future. Since that time, the Justice Department has made two awards totalling \$1,625,312. The State of Texas received an award of \$625,312 to provide law enforcement assistance during the standoff at the Branch Davidian Compound in Waco, Texas. The State of California received an award for up to \$1 million to prepare for possible civil disturbances following the verdicts in the Rodney King and Reginald Denny trials.

QUESTION: Are there any outstanding requests for funds and do you expect to have any unused grants returned?

ANSWER: BJA does not currently have any outstanding requests for funds and is presently unaware of any unused grant funds that will be returned.

WEDNESDAY, MAY 5, 1993.

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GENERAL LEGAL ACTIVITIES

RADIATION EXPOSURE COMPENSATION TRUST FUND CIVIL LIBERTIES PUBLIC EDUCATION FUND

RADIATION EXPOSURE COMPENSATION ADMINISTRATIVE EXPENSES

WITNESSES

- MICHAEL L. PAUP, ACTING ASSISTANT ATTORNEY GENERAL, TAX DIVISION
- JOHN C. KEENEY, ACTING ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
- STUART E. SCHIFFER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION
- JAMES P. TURNER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION
- MYLES E. FLINT, ACTING ASSISTANT ATTORNEY GENERAL, ENVIRON-MENT AND NATURAL RESOURCES DIVISION
- WILLIAM H. GONZALES, SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES
- MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER
- ADRIAN A. CURTIS, DIRECTOR, JUSTICE MANAGEMENT DIVISION, BUDGET STAFF
- HELENE GOLDBERG, DIRECTOR, TORTS BRANCH, CIVIL DIVISION
- STEPHEN R. COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

Introduction

Mr. MORAN [presiding]. Good afternoon.

Mr. Paup. Good afternoon, Mr. Chairman.

Mr. Moran. Continuing with our review of the Department of Justice, we are going to hear testimony about the General Legal Activities appropriation today, the Radiation Exposure Compensation Program, and the Civil Liberties Public Education Fund.

For fiscal year 1994, the Department requests the following: \$408,384,000 for General Legal Activities, \$77,972,000 for the Radiation Exposure Compensation Program, and \$105,000,000 for the Civil Liberties Public Education Fund. We will insert in the record at this point the fiscal year 1994 budget justifications for these accounts.

The justifications follow:

Legal Activities Salaries and expense. General Legal Activities Summary Statement Fiscal Year 1994

3,735 workyears (including 270 reimbursable workyears) and \$408,384,000. This resource level represents an overall decrease of 158 positions and 121 workyears (4 reimbursable) below 1993 staffing levels; the requested funding level is \$12,084,000 above the anticipated appropriation for 1993. Adjustments to base include a transfer of \$1,824,000 from the Working Capital Fund for personnel services; mandatory increases of \$25,473,000; and non-recurring decreases of \$1,525,000. For 1994, the General Legal Activities (GLA) appropriation seeks a total budget of 3,516 positions,

• In order to stay within overall resource levels prescribed by the Administration, base funding reductions of 104 positions, 63 workyears and \$7,192,000 are requested. The request also includes total program decrease of 54 positions, 58 workyears (4 reimbursable) and \$6,496,000, as discussed

Permanent Position and Workvear Reduction

In order to meet personnel levels established by the Administration a reduction of 54 positions and \$3,410,000 is requested to be spread as follows: Office of the Solicitor General - 1 position and \$54,000; Tax Division - 10 positions and \$676,000; Criminal Division - 13 positions and \$790,000; Civil Division - 6 positions and \$382,000; Office of Legal Counsel - 1 position and \$33,000; Civil Rights Division - 8 positions and \$457,000; Interpol - 1 position and \$45,000; and Special Counsel for Discrimination - 1 position and \$31,000. These reductions represent the Administration's committment to reduce personnel staffing levels by 2.5 percent in 1994.

Administrative Reduction

A total reduction of \$3,086,000 is also requested to reduce administrative expenses to assist in controlling the Federal deficit and to improve the Federal Government's administrative productivity. The reduction is spread as follows: Office of the Solicitor General - \$26,000; Tax Division - \$215,000; Criminal Division - \$360,000; Civil Division - \$957,000; Environment Division - \$413,000; Office of Legal Counsel - \$17,000; Civil Rights Division - \$369,000; Interpol - \$26,000; Legal Activities Office Automation fund - \$671,000; and the Special Counsel for Discrimination - \$32,000. These reductions are necessary to further reduce Federal spending in 1994 and beyond.

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Legal Activities

Salaries and expenses, General Legal Activities

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, General Legal Activities

\$408,384,000 For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on [his], Cartificate; and rent of private or Government owned space in the District of Columbia; [\$395,500,000], and of which not to exceed [\$5,000,000], for litigation support contracts shall remain available until September 30, [1994]; Provided. That of the funds available in this appropriation, not to exceed [\$35,213,000], shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: [Provided further, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal

year 1993.]
[In addition, notwithstanding 31 U.S.C. 3302, for fiscal year 1993 and thereafter, the Attorney General shall establish and collect fees to recover necessary expenses of the Registration Unit (to include salaries, supplies, equipment and training pursuant to the Foreign Agents Registration Act, and shall credit such fees to

68-586 O-98---16

this appropriation, to remain available until expended.]

Explanation of changes:

- The first five changes update the 1993 language to coincide with the 1994.
- The sixth change deletes language that provided gift authority to the Attorney General for hosting the 1993 INTERPOL American Regional Conference.
- The seventh change deletes language that, in 1993, provided permanent fee collection authority, pursuant to the FARA, to the Attorney General for the Registration Unit. . .
- The eighth change adds language to clarify the reimbursable authority under the Vaccine Injury Act of 1986.
- The ninth change increases the amount of reimbursable authority under the Vaccine Injury Act of 1986.

Salation and supersen, General Legal Activities LEGAL ACTIVITIES

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<u>Permissed Builling and Historian References</u>
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Selectes and expenses. General Legal Activities LEGAL ACTIVITIES

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Ungelon Report	00	00	• •		• •	• •	•	• •	• •
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4. Cost Division.									
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Management and administration.	0	٥	0	• •	•	3	• •	•	2
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9. Lagai Acerties Office Automation	•	•	•	•	•	(1,10)	•	۰	Ę
10. Special Counsel for Discrimination,	(3)	=	(PI)	٥	۰	8	(i)	=	2
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LEGAL ACTIVITES
Salaries and expenses, General Legal Activities
Financial Analysis -- Position/Workverr Reduction
(Dollars in thousands)

(1) (42) (6) (242) (11) (640) (6) (11) (11) (11) (11) (11) (11) (11)		Solicitor Gen.	r Gen	Tax Division		Crimina	i	CME	1	Em. & Nat. Res. Div.	. Res. Div.	Legel	Legal Counsal
(1) (42) (6) (242 (11) (540 (6)) (3) (11) (540 (6)) (11) (540 (6)) (11) (540 (6)) (11) (540 (6)) (11) (540 (6)) (11) (540 (6)) (11) (540 (6)) (510	Grades and salary ranges	P.	Amount	8	5	Š		Pos.	_	ğ	Amount		Amount
(1) (42 (6) (242 (6) (6) (9) (9) (9) (9) (9) (9) (9) (9) (9) (9	GS/GM - 15					8	6 0	≘⊚	(67) (170)	Ø	(113		
(4) (76) (3) (3) (4) (3) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (14) (653) (15) (700) (15) (653) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (700) (15) (13) (14) (15) (15) (15) (15) (15) (15) (15) (15	GS-12	ε	(42)	9	(242)			<u>©</u>	(242)			ε	9
(4) (76) (3) (13) (653) (13) (653) (13) (13) (13) (13) (13) (13) (13) (1	GS-11										-		
(4) (76) (3) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (653) (13) (13) (13) (13) (13) (14) (14) (14) (14) (15) (14) (15) (15) (15) (15) (15) (15) (15) (15	G8-9		-							ε	8		
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1 0 0 (22) 1 0 (2)	Total, approp. positions	ε	(42)	(01)	(3:8)	(13)	(653)	(61)	534	9	(200	ε	<u>\$</u>
te and pers. 0 (42) (11) (559) (12) (653) (13) ortation ortation decision	Lapses	: -	•	c	(22:)	-	0	8	187			0	2
the and pers. (42) (11) (559) (12) (653) (15) outsition (12) (12) (13) (13) (13) (14) outsition (42) (11) (17) (13) (13) (13) (13) (14) (15) (15) (15) (15) (15) (15) (15) (15	Other Personnel			ξ	65								
11. (15.5) (12) (13.7) (13.7) (13.7) (15.9)			-			Park and the Control of the Control							
(117)	compensation	0	(42)	Ê	(559)	(12)	(653)	(SE)	(721)	ē	(208)	ε	(27
things	Personnel benefits	•	(12)		3		(137		(221)		3		Ē
duction duction duction for its its and i	Iravel and transportation of persons						•				5		
Multiples,	Transportation of things.		-								2		
Multiple	GSA rent								-		E .		
orduction o	Communications, Language,		********								- 59		
118	Printing and reproduction										<u>.</u>		
106	Other pervices										<u></u>		
106	Supplies and materials										E		-
A 15.4 (11) (674) (19) (700) (16)	Grants, subsidies										-		
(15) (15) (15) (15)	and contributions		+	***************************************			-		1		1		
(c) (c) (c) (c) (c) (c)	Total obligations	0	₹ <u>\$</u>	(11)	(676)	(13)	(790)	(15)	(942)	9	(362	Ξ	83

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Financial Analysis — Position/Workyear Reduction
(Dollars in thousands)

86 88 89 E	(1) (45) (1) (31) (31) (31) (31) (31) (31) (31)	Amount (31)	P.06.		(1) (31)	(31) (15) (31) (31) (31) (31) (31) (31) (31) (31	A
(1) (1) (2) (2) (2) (2) (4) (9) (7) (7) (7)		(31)	0	0			8,0
98 99 C		(31)	0	0			2,
98 949.		(31)	0	0			2,
98. Service (1997)		(31)	0	0			3)
98. 99.8. C		(31)	0	0			8,0
2675.		(E)	0	0			2,0
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		(31)	0	0			8,0
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	(337)	(S)	0	0	ë €	(E)	(2,610)
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ransportation of things		• · · · · · · · · · · · · · · · · · · ·		······································			Ξ,
		-					2 (5)
Communications, utilities,				******			٤
and other rent.							<u> </u>
Other services	·						2 2
Supplies and materials.	-						<u> </u>
Equipment							. 93
Grants, subsidies and contributions.				-			0
	(46.74	(46)		-	110	143/	10.4401

LEGAL ACTIVITIES
Salates and expenses, Geneal Legal Activities
Financial Analysis — Administrative Savings
(Dollers in thousands)

	Solicit	Solicitor Gen.	Tax	Tax Division	<u>₹</u>	Criminal Div.	2	Ciwil Division	Env.	Env. & Nat. Res. Div.	_	Legal Course
Grades and salary ranges	ş	Amount	8	Amount	٩	Amount	Pos.	Amount		Amount		Amount
GS/GM - 15. GS/GM - 14. GS/GM - 12. GS-12. GS-11. GS-9. GS-7. GS-6. GS-6. GS-6. GS-6.												
Total, approp. poeltins Lipses	•	0	•	Ó	0	0	•	0	0	0	0	0
Total, workyears and pers. compensation					0	0	•	o	•	0	•	•
of persons				1	• ;	(79)			000	<u> </u>		
and other rent.	•		•	(52)	00	622			••	<u> </u>		
Other services. Supplies and materials Equipment Ranks, subaddes and contributions	0	8	•	<u>(0</u>	200	(16) (45)	•	(957)	000	<u>888</u>	•	613
Total obligations	0	38	0	(215)	0	(360)	0	(957)	0	(413)	0	(1)

LEGAL ACTIVITIES Salaries and expenses, General Legal Activities Financial Analysis — Administrative Savings (Dollars in thousands)

	Civil Righ	nts Division	INTERPO	L-USNCB	2	Civil Rights Division [INTERPOL-USNCB] LA Off. Automation Off. of Spec. Coun.	Off. of S	pec. Coun.	Tota	Total GLA
Grades and salary ranges	Pg.	Amount	P. 8	Amount	P.8	Amount	Poe.	Amount	Pg.	Amount
GS/GM-15									•	0
GS/GM-14									0	0
GS/GM-13									0	0
G8-12.									0	0
G6-11									0	0
G8-10									0	0
100									0	0
									0	0
08-A									0 (۰ ۵
G8-5				,					0	9 0
GS-4. GS-2.									• • •	• • •
Total, approp. positions	0	0	0	0	0	0	0	0	0	0
Lapses									0	0
Other Personnel									0	0
		-	-	-	-	1				
compensation	0	0	0	0	c	c	c	c	•	•
Personnel benefits		'	•)	•	•	•	•	•	0
ravel and transportation of persons			i				ć	Ę		3
Transportation of things.							0	38		(2)
GSA rent						-		•		(20)
and other rent.										(115)
Printing and reproduction										(E)
Other services	0	(369)		<u> </u>			0 (<u>8</u>		(1.967)
Edulories and immerses				2 6	c	(671)	٥	<u>0</u> 6		3 8
Grants, subsidies				<u> </u>	•	5	•	<u> </u>		8
and contributions		1		1		0				٥
Total obligations	0	(369)	0	92	0	(671)	0	(32)	0	(3006)

LEGAL ACTIVITIES Selector and separates. General Legal Activities Surmany of Change (Deleys in thousands)

		Perm. WY. Amount	W.	Amount
	889 Aproprieton Artiglatel	3,604	Ĭ	2
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0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		0	c	8
3,674 3,864 (109) (83) (109) (83) (109) (83) (109) (83) (109) (83) (109) (83) (109) (83) (109) (0	
3,674 3,006 (109) (43) (109) (43) (109) (43) (109) (43) (43) (43) (43) (43) (43) (43) (43	Adjustments to become	•		26,772
60) (60) (83) (60) (83) (83) (83) (83) (83) (83) (83) (83		3,674 3,		22,072
OKAT OLD T	I SERSON SOURCEMENTATION OF DESCRIPTION OF DESCRIPTION SOURCES FOR SOURCE SOURC	2		(7.18g)
	- International Control of the property of the	₩ 078.4	-	
- 1			- 1	

Legal Activities Salaries and expense, General Legal Activities Justification of Adiustments to Base (Dollars in thousands)

		Perm. Pos.	Work-	Amount
12	Transfer in the estimates:			
ન	Transfer from Working Capital Fund	:	:	\$1,824
Kan	Mandatory increases:			
i.	1993 Pay Annualization	:	•	2,639
'n	Within Grade Increases	:	:	2,561
÷	Health Benefits	:	:	485

Amount	1,264	9	o	9,714	9
Work-	•	:	: :	:	:
Perm.	:	:	:	:	:
	Rederal Insurance Corporation Act	Accident Compansation	Unemployment Compensation - Redistribution	GSA Rent	Postal - Equipment Purchase is necessary to comply with the U.S. Postal Service mandate requiring Federal agencies to convert to a direct accountability as the method of determining postage costs for Federal Government penalty mail. Complying with the direct accountability requirements cannot be done without procurement of electronic mail processing equipment for use at Department offices and facilities across the country and worldwide. This one-time increase for purchase of scales, mail processing equipment and contractor assistance.

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	Perm. Pos.	Work-	Amount
Postal - Equipment Rental/Maintenance	:	:	11
Postal - Under-reported use	:	:	170
This increase is needed despite cost containment measures implemented in the Department (e.g., presorting of outgoing mail, centralized mail room operations), as well as reducing the use of expensive, non-contract sources of urgent-delivery parcels. Estimates based on actual experiences and professional experience require an increase of 25-percent, which is well below that experienced by other agencies.			
GPO and Departmental Printing	:	:	171
Project EAGLE Maintenance	:	:	774

11.

12.

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13. Computer Security Disaster Recovery System. As required under the Computer Security Act of 1987 (P.L. 100-215) and OMB Circular A-130, the Department is implementing a system to provide disaster recovery for the Department's mission-critical information processing. Under the disaster recovery and continuity of operations plan, Justice Data Center users will be able to continue to perform essential interrupted due to natural disasters, terrorist attacks, or other catastrophic events. As required, this system will reduce the Department's current vulnerability to losing a major portion of its mission-critical information processing, in the event that normal data processing operations are disrupted. 14. Employee Data and Payroll Services. 15. Employee Data and Payroll Services are provided to all Departmental organizations except the Federal Bureau of Investigation. A five-percent increase is needed to stay current with inflation, the increase is needed to stay current with inflation, the increase dues of the National Finance Center (NFC), and the continuing level of systems support by the Finance Staff. Decentralizing the functions of the Employee Data and Payroll Services is causing increased costs to process personnel and payrol data. 15. Distributed Administrative Support. 16. Distributed Administrative Support. 17. Distributed Administrative Support. 18. Distributed Administrative Support streament and namual charge is made by the DOS for administrative support tiems. The amount of this charge is determined by the DOS of administrative support tiems. The amount of this charge is determined by the DOS of Soffice and support process costs is anticipated.	Ancunt	159	ហ ក	23
Computer Security Disaster Recovery System	YEALS	:	:	:
Computer Secur As required un (P.L. 100-235) implementing a Department's m the disaster r Data Center us functions in t interrupted du other catastro the Department of its mission that normal da Employee Data centralized em all Department Investigation. current with in current with in Center (NFC), and Payroll Sen personnel and p Distributed Adm Under the Forei annual charge i items. The amo DOS advises tha costs is antici	Pos.	:	:	:
			Centralized employee data and payroll services are provided to centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bureau of Investigation. A five-percent increase is needed to stay current with inflation, the increased use of the National Finance Center (NFC), and the continuing level of systems support by the Finance Staff. Decentralizing the functions of the Employee Data and Payroll Services is causing increased costs to process personnel and payroll data.	Distributed Administrative Support

Amount

Work-

Perm. Pos.

967	1,520	4,016
:	:	:
:	:	:
GSA Recurring Reimbursable Services	Lease Expiration Costs	General Pricing Level Adiustment
16.	17.	. 81

19.	Foreign Exchange Rates	:	:	6 4 6
20.	Polar Cap V Maintenance	:	:	130
	Total mandatory increases	1:	1:	25,473
Dec	Decreases:			
	This decrease reflects recently compiled data provided to the Office of Management and Budget by the General Services Administration on FTS 2000. The price redetermination takes into consideration both voice an data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions.	÷	:	(725)
2.	Non-Japanese Redress Payments	: :	: :	(800)
	Total decreases	:	:	(1,525)
	Total adjustments to base	•		25,772

LEGAL ACTIVITES
Selvins and expenses, General Legal Ashibis
Summay of Requirements by Grade and Object Grees
(Dollers in Proseands)

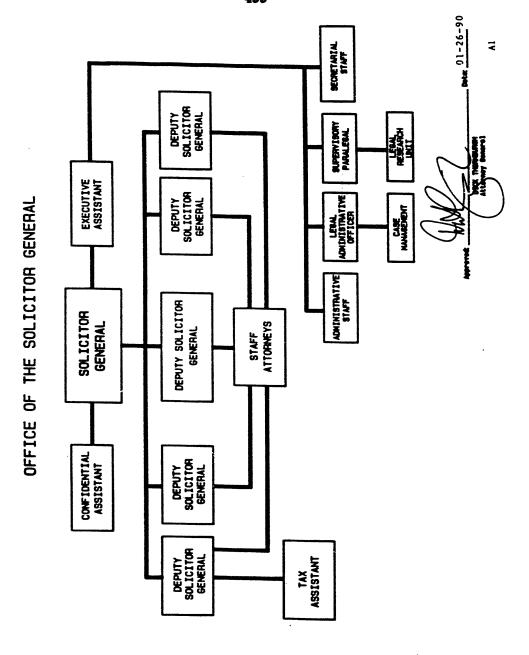
	1992 Actual	Territor (Anticipated	Anticipated	Budget	3	IncresseDecrease	#Creak
	Postions &		Positions &		Positions &		Positions &	
Grades levels	Workyeers	Amount	Workyeers	Amount	Workyeers	Amount	Workyeers	Amount
	•		•		•		•	
EXECUTIVE LEVEL IR	•		>		•		•	
Executive Level IV	•		•		•		•	
E8 - 6	-		-		-		•	
- C	2		2		2		•	
A-63	22		22		8		Đ	
67 - 60 11	22		±		~		•	
C-41	•		•		•		•	
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56 Times and the second			460		2		Ę	
CONCRETE 10	650		3				3	
GS/GM - 14	8		₹		2		E	
GS/OM-19	382		3		ž		E	
68-12	277		520		2 4		Ê	
28-11	270		ž		3		•	
01-65	8		22		22		ε	
9-90	3,0		36		2		£	
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CS - 6	22		22		2		ē	
87-89	01		5		I		Ξ	
7-59	5		8		3		ε	
£-50	8		2		2		•	
GS-2	5		2		2		•	
Total, appropriated positions	3,741	186,356	3,674	\$191,935	3,516	\$162,966	35	(548.947)
Say about attached anomalia rate	•	8	•	445	•	8	•	3
SCOVE PRINCES OF TAXABLE INC	207/	8 8	٤	614.7	3	3	. 2	
		(200'19)		(10,01)			3	į
ter sewrige out to tower pay actives	•	(1,660)	•	(1, 793)	•	•	c	1 733
		10001		7				
vet full - time permanent	3,244	166,453	3,360	176,828	3,235	172,005	8	(CTY)
Other than permanent:								
Part - time permanent.	102	4,136	<u>\$</u>	4,457	102	4,286	€	3
emporery employment	<u>5</u>	4,719	<u>8</u>	5,155	3	7.86	æ	
Other pert - time and intermittent							•	
emoloyment	245	12.571	252	13,400	245	15.134	8	(375)
When parameters of promonent adjour							•	
A part and a second control or	ě	797	77	976	76	970	•	•
	3 '	\$ 3	; •	3			•	•
Other compensation	5	200	>	2,342	>	2,342	•	•
Special personal services payments		12.089	٥	13.872	0	13.872	•	•
	the same of the sa				-			
Total, workyears and personnel		;	•			1		•
compensation	3,747	202,435	3,890	216,912	3,739	211,438	(121)	(20,00)
Average ES Salary		\$101,662		\$104.917		\$104.847		
Average GS/GM Salery		248.525		50,337		20000		

Legal Activities Salaries and Expenses, Caneral Legal Activities Summary of Requirements by Grade and Object Class (Dollars in thousands)

	8	7	1963 App	1963 Appropriation	1994 Pr	1994 President's		
Object Class	Workyears	Amount	Workyears	ars Amount	Workyeers	s Amount	Workyears	Ayear Amount
11 Personnel compensation: 11 1 Personnel complement	7766	8100.453	9	A176 A24	826	\$172 00g	901	20 23
11.3 Positions other than permanent.	47	21,426	\$	23,021	4	22	5	2
11.5 Other personal compensation	200	2,487	* °	9.5	3 °	3,191	0 0	•
Total	3,747	202,456	3,860	210,012	3,780	211,480	(121)	294.8)
Reimburable workyears	(276)		(270)		[3			
Offer objects:								
19 Percent benefit		2		25.17		46.704		9
_		=		123		3		•
		10,51		20,204		21,204		00.1
22 Transportation of things		1,385		1,714		2,214		8
23.1 Standard level user charges		2.4.96 2.4.96		P. 4.4		40.265		706.
23.2 normal payments to career		25.		200				3 ;
ı		3.018		3,744		4.415		2.6
		127,441		100,002		105,612		4,620
		4,666		5,272		6,772		8
St Equipment		10.778		16.287		7.825		937
		5.0		38.7		3		>
_		· 83		•		•		•
Total obligations	3,747	460,862	3,880	465,162	3,750	467,245	(121)	12,060
Recovery of prior year obligations		(903)		•		•		
Unabligated balance, start - of - year		(6.437)		(3,723)		(1,461)		
Unobligated balance, and -of-year		3,723		198.		•		
Undergreed bearings expering		466,066		463,300		466.384		
:							,	
Relation of obligations to outlays: Total obligations		460 862		445 100		407 245		
Obligated balance, start-of-year		62.780		600		3		
Obligated balance, and - of - year.		(66,091)		(56.994)		(65.770)		
Adjustments in expired accounts		014		0 (•		
Adjustments in unexpired accounts		464.166	•	494.250		480.466		

Legal Activities Salaries and Expenses, General Legal Activities Summary of Permanent Positions by Category Fiscal Years 1992 – 1994

	1902	1963 A	1993 Authorized		1994 Estimate	
Callegroy	Authorized	Permenent Position Reduction	Total	Redistribution of Permanent Positions	Permanent Position Reduction	Total
Attorneys (906)	2,020	J		12		7.947
Other Legal and Kindred (800 – 999) Social Sciences Footomics (100 – 199)	388	3E 0	3 5 8	700	3E 0	388
General Administrative, Clerical (300 – 360). Accounting and Budget (500 – 560).	1,200	_		5	5	1,074
Business and Industry (1100 1199). Information and Arts (1000 1099).	0-	00			00	0-
Methematics and Statistics. General Investigating (1801 – 1610)	Ø 4 g	00	W 4	000	00	W 4 5
	3,741	(67)	3,674	0	<u> </u>	5.50
Washington, D.C.	3,636	(67)	3,569	000	955	119.6
Total	3,741	(6.1	3,674	0	9 55:	3,516



Office of the Saliston Anneal Relation and anneal Anneal Antitities Described Commits (believe in themsends)

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Adiustments to beaut	1993 to ensited.	Adjustments in personner, positions and workparts To appropriate and is personner. To appropriate the and is personner.	Markey Increased		Burlings to achieve deficit reduction tempera	fatimen, he humer nettylty	nabet of Bayrama Court presentings and review of appellate matters	Other Workyans Overtise	
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Office of the Solicitor General Selecter and Exponen. General Losal Activities

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Corduct of Supreme Court	proceedings and review of appellate matters		A base program decrease of \$51,000 is required for 084 to stay within the budget levels established by the Administration. The raduction will prevent the Office of the Solicitor General from hiring one jew clerk under the Office's one-year clerkahlp programs. The last clerkap provide the Rattornian with appoint the Solicitor General from hiring one jew clerk under the Office's one-year clerkahlp programs. The statement provide the Rattornian stay and a program of the Solicitor General from hiring one jew clerk under the Office's one-year clerkahlp program on the more stated areas such as

the area of providing legal research and properly day that under the office's one-year clertable program. The law clerks provide the attorneys with support in many social providing legal research and properly and properly and properly and properly and properly and properly and principles. These cuts will result in a reduction in the discretionary workload of the office such as pursuing adverse decisions from the loser courts and asions fillings.

Piffor of the Beliefter, Bercal Relation and american Bercal Lead Activities Assisting of Prosons and Parforment Activity, Results a Resource Session (Seller in Paraces)

Activity: Conduct of Suprama Court precondings and review of appoilate matters

Increme/Pecnes 1976 Entlante 1975 Beetline 1973 de Constan Poderal appellate activity......

courts and the U.S. Supreme Court LONG BANKE STALL. To be as effective so pessible in the candact of all aspects of deversant litigation in the appellate

A MAR OF MERCHANIES.

To altegrately represent the interests of the U.S. Government in cases before the Supreme Court.

To review appellate cases to determine their aultability for appeal to the U.S. Bugrama Caurt or to a lower federal appellate court.

To meet all filling dates of cases before the U.S. Supreme Court.

DAR PROMES MEDITION. The major function of the Bolicitor General's Office is to expervise the handling of Generalant litigation in the Daprama Court of the United States.

The Office of the Selicitor Service forement's forement logal office. The original Statutory Authorization Act of June 22, 1870, states: "There shall be in the Separtument of Autice or originate to be called the Solicitor Secondary Autice or Autice or Selicitor Secondary Seco

ACCIDENTINEERS AND ACCIDING Recent accomplishments and workload of the Office of the Bolicitor General are presented as follows:

Dupreme Court Metters:

W	R	26,5	2,413	3
1201		× .	•	2
120	•	2,762	~	₹
러	•	2,78	~	.

			***************************************	***************************************
	Pending, beginning of term	1000 1 Wad	ermineted	:
;	Pending, Ma	Bece ived	Termineted.	Pending, and of term

Estimates		32	422 403	26
		£	33	2
	鹫	82	3	2
Other Activities:	Appeliate determination	Sertional determinations1/	Miscellaneous recommendations2/	Oral Arguments.

Includes <u>certifications</u>, no <u>certificati</u> decisions, direct appael authorizations and no direct appael decisions.

3. Miscellaneous decisions include the following: amicus participation, mandamus, rehearing, settlement, bails, stays, etc. This figure does not include oral segments in the Supreme Court, conferences, correspondence, etc.

Cases decided during the 1992 Term of the Supreme Court in which the Solicitor General filed a brief include those in which the Court held that: (1) a compilerative compilerator to swalls a cause of section for injunctive compilerator to deterprepant women from obtaining abortions does not involve the kind of class-based alman required to seated a constitutional right to interstate travel (<u>Reav. Alexandia Momen's Mealth Clinic</u>); (2) the Constitution's commitment to the Senate of "the sole Dower to try all imposchments" renders a complement of the procedures employed by the Service modificated to the Senate of "the sole Dower to try all imposchments" renders a complement as court to enhance a sentence of it finds that the defendant testified filestly at trial is constitutional (<u>Milted States</u>, On the profiles that permits a court to enhance a sentence of it finds that the defendant testified filestly at trial is constitutional (<u>Milted States</u>, On the Miltian Centers Councilly); (3) Section 2 of the Votring Rights at the observe of proof that creation of such districts use required in order to remedy a volution of Neither Rights and Neither Rights and Rights at the State from creative majority minority electoral districts in the absence of proof that creation of such districts use required in order to remedy a volution of the Voting Rights to Volution of the Neither Rights and Drussel Buildhooms Clause of the Eighth Meandament nor the Duels of neity discovered evidence (<u>Minted States</u> or post or the Decess Clause entitles a prisoner to obtain federal habbers corpus review of his conviction on the basis of neity discovered evidence (<u>Minted Rights</u>), and (7) the Mational Labor Relations Act does not present a state or local government, when acting in a proprietary capecity, from entering into a

profire collective berpaining agreement with unions in the construction industry in connection with a state or local construction project (<u>Manashuntita Inter</u> <u>Resource Authority</u> v. <u>Associated Builders and Contractors</u>).

Coses to be discided during the 1992 Term of the Suprime Court include those in which the Solisitor General has filled a brief orgating the adjudicating habons corpus patitions should not grant relief based on violations of the prophylastic rules of <u>Historia v. Arizonia v. Arizoni</u>

1994 Reguline 1994, Extimite IncressAnscreen.	200- 1
1996 Eatle	* # # # # # # # # # # # # # # # # # # #
1994 Beetline	712 212 212 213 213 213 213 213 213 213 2
	1969 1969
PROCEAU CHANCES:	Federal appoillate activity.

A program decrease of 1 position and 854,000 is required for 068 to mast workyan levels established by the Administration. The reduction will be achieved through the stimination of 1 issue clerk and the utilization of striction. The low clerks assess the burden placed on the attentive by providing legal research and preparing appearing appearing a personal section the office work 40 hours of uncompensated evertian in an everage pay period. The total yearly uncompensated evertian in an everage pay period. The total yearly supproximated by 15 approximately 15,000 hours. These cuts also will result in a reduction in the discretionary sertions of the office such as pursuing adverse decisions from the lower courts and majous filings.

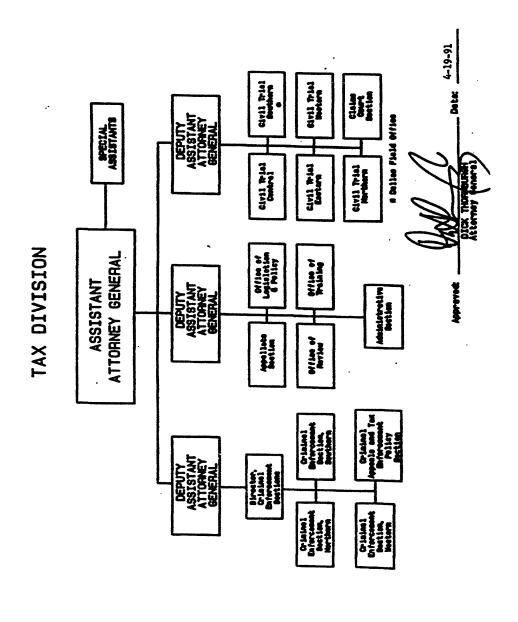
A program decrease of \$25,000 is required to reduce administrative expenses to essist in centrolling the Federal deficit, and improving the Federal Severnment's administrative productivity. The reduction will be accomplished through the elimination of one contract messenger/clerk, and improving the Federal Severnment's

Office of the Belicitor Ameral Saleries and expones. General Lemi Activities Financial Amiltais - Prostos Chanses (Bollers in thousands)

	-	Federal Appellate Activity	liste Act	ivity		
		Permanent cut in Pos. & FTE	Admin S	Administrative Sevings	•	Total
	ž	Amount	ġ	Amount	į	Amount
Greates 68-12 Other workyeer reductions 1993 envailsed reductions	€:	₹. 246	::	::	€:	(548) ::
Total positions and annual rate Lapse Other personnel compensation. Administratively determined salaries	€:::	€ :::	::::	::::	€:::	3 ∷ ∷
Total workyeers and personnel Compensation Compensation Travel and Transportation GAA Rent Other rent Printing Printing Supplies and materials Equipment	€	3 8 : : : : : :	:	000000	€	? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?
Total program workyears and obligations changes requested, 1994	€	(54)		(92)	C)	(08)

Stites of the Belisitor General Salecias and american betail of Perminent Positions by Catamary Lises, Tower 1978 - 1996

Catopary	Archer see	tees Aucher I sed	¥ ¥
Attensys. (905)	n	n	2
Persiogal Specialists (956)	•	•	•
Other Legal and Kindred (900-990)	•	•	-
Accelerating and Budget (\$60-599)	-	-	-
Gen. Adeln., Clerical and Office Dvc. (300-399)	2	\$	\$
Tetal	Š	\$	3
Wachington	\$	\$	3



Tax Division
falucion and Euperent General Joses, Activities
Greenalk of 1992 Chemiss
(Dollers in thousands)

Antivity: Seneral tam matters	1907	1 2 2	reserve	Compressional Appropriation Actions on 1992 Renugst End. MT Ament	The same	al ortions Neet	Adjustments i Porn. Pos. and Methyrace Ent. M.	Pro. In Marke	Par	32	Regressionalists Fre. III Amend	1	1993 Kropriett	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Poderal appollate activity	=	2	17,220	:	:	(90)	3	ε	:	:	_	•	~	87,388
Criminal tes presenties	177	186	12,459	(38)	3	(1,127)	2	3	:	:	114	::	158	\$11,646
Civil tem litigation	Š	35.	31,615	(38)	Ē	(1,41)	3	ε	:	:	7.0	250	Ë	\$31,320
Minegeners and administration	•	=	•,	:	:	3	ē	ĉ	:	:	:	=	?	16,76
fotal	181	3	887,930	(3)	(91) (16)	(62,315)	3	3	:	:	\$1,500	•	•	\$57,123

Comitionismal Appropriations Actions. Congress slashated funding for 51 positions requested as program changes. Congress also applied a general reduction from the base program level of the Coneral Legal Activities appropriation.

In compliance with the President's Executive Order, dated Pobruary 10, 1993 a reduction of seven permanent positions and PTB has been made.

Included is a repregramming of \$1,386,888 from the Logal Activities Office Antomation (LACA) fund within the General Logal Activities appropriation to the Tax Bivision to support the Bonor Law Graduate program. Notification was provided to the House and Senate Consittees on Appropriation and the Judiciary on March 9, 1993.

Tax Division
Salaries and expenses, General Legal Activities

Summary of Requirements (Dollars in thousands)

Adjustments to base:				Perm Work-	k- rs Asount
Adjustments in permanent positions 1993 Aspropriation Anticipated Transfer from Working Capital Fund Mandatory Increases Decreases (automatic non-policy) 1994 base to achieve deficit reduction targets 1994 baseline	positions	positions asted spital Fund policy) it reduction targets		706 694 (21) (21) 699 687 699 687 (22)	
Estimates by Budget Activity	1992 Actual Perm. Pos. MY Amount	1993 Appropriation Anticipated Perm. Pos. HX Amount E	1994 Baseline Perm. Pos. HY Amount	1294 Estimate Perm. Ros. HY Amount	Increase/Decrease Perm. t Pos. MY Amount
1. General Tax Matters	707 714 \$55,294	4 699 687 \$57,123	456,058 665	689 654 \$59,463	3 (10) (11) (\$891)

Tax Division
Salaries and expenses, General Legal Activities
Susmary of Resources by Program
(Dollars in thousands)

Increase/Decrease Perm. HX Amount 23 (2) (\$148) 3) (3) (237) 4) (4) (286) 10) (11) (891) (11)	
HX HX (2) (2) (2) (2) (2) (2) (2) (2) (2) (2)	1 3
Increase/D Perm. Porm. Ros. HX (2) (2) (2) (3) (4) (4) (4) (4) (4) (11) (11) (11)	, ,
count 0000 0000 0000 0000 0000 0000 0000 0	
Estimate N. MX Amount 87,648 138 12,086 336 32,953 52 6.776 654 59,463	4 =
1994 Baseline 1994 Estimate Perm. Porm. Perm. My Amount Pos. MY Amount Pos. MY Amount 97 89 \$7,796 95 87 \$7,648 150 141 12,323 147 138 12,086 358 34 95 6.996 83 634 59,463 659 665 60,354 689 654 59,463 677	129
25 23 24 25 25 25 25 25 25 25 25 25 25 25 25 25	
60,354	
124 Bas 141 Ba	68
n 192 Der Per 193 101 Per 193 88 97 46 150 22 358 23 699	
1992 Actual Appropriation Perm. Pos. HY Amount Pos. HY Amount 152 142 11,126 150 145 11,646 159 359 361 30,477 358 348 31,320 98 111 6.511 94 102 6.762 707 714 55,294 699 687 57,123 726 699	
1993 proprie rm. mt. MX A m. HX A 7 92 % 0 145 1 1 102 8 1 102 8 1 102 8	9 6
App App Per 12 12 12 12 12 12 12 12 12 12 12 12 12	
Actual X Amount 2 11, 126 1 30, 477 1 55, 294	
1992 Actual OS. WY Amou OS. WY Amou 98 98 57,1 52 142 11,1 59 361 30,4 72 6 72 6	731
1 Per 152 98 98 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
Amount 56,929 530 6,351 531,751	
1992 EN EN E	7 2
Perm Post 152 359 707	
lvity, itrati	
n acti	
General Tax Matters: Federal appellate activity. Criminal tax prosecution. Civil tax litigation. Management and administration. Total Total Total	Total compensable Workyears
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1992 actual exceeds the enacted level due to obligations against unexpired appropriations enacted in previous years.

7

Tax Division
Salaries and Expenses
Base Comparison
(Dollars in thousands)

1994 Baseline Increase/Decrease	n. WY Amount Pos. WY Amount	89 \$7,796 (3) (\$107)	141 12,323 (4) (340 33,239 (8) (95 6.996 20	665 60,354 (22) (
	Pern J Pos.	65	150	358	ठ्य	869
35	Amount	\$7,903			•	
1994 Ba	, WY	92				
	Perm Pos.	97	150	358	84	86
iation	Amount	\$7,388				
Appropri	, ₩	92	145	346	8	687
1993	Perm Pos.	64	120	356	38	8
Activity: General Tax Matters		Federal appellate activity	Criminal tax prosecution	Civil tax litigation	Management and administration	Total

Narrative Description

By virtue of the hiring freeze it was forced to impose during 1992, the Tax Division has reduced its overall staffing (including its attorney staffing) during 1993. This reduction in attorney staffing, combined with the increasing efficiencies we have achieved through the use of the EAGLE office automation system, the secretarial-free voice mail features of the WASP telephone system and concomitant reductions in demands for administrative services, will permit us to reduce our clerical and administrative staffing by 22 workyears in 1994. The reductions are as follows: Federal appellate activity (3 workyears and \$107,000); Criminal tax prosecution (4 workyears and \$142,000); Civil tax litigation (8 workyears and \$285,000); and Management and Administration (7 workyears and \$249,000).

1. J.P.

Tax Division Salaries and Expenses, General Legal Activities: 15-0128-0-1-752 Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

	61	33 Appl	ropriatio	c									
Activity: General Tax Matters	1	Anticip	aled	1	186	4 Bascline			1994 Esti	mate	Incre	asc/Dec	case
	Pe	Ë			Perm.			Perm.			Perm.		
	a	≠1 .a	ਖ਼	Amount	<u>Pos.</u>	ΚX	Amount	Pos	X	Amount	Pos	ΧX	Amount
Federal appellate activity	16		8	\$7,388	93	8	\$7,796	8	83	\$7,648	(3)	(3	(\$148)
Criminal tax prosecution	351		2	11,646	20	<u></u>	12,323	147	138	12,086	€	3	(237)
Civil tax litigation	328		<u></u>	31,320	358	340	33,239	354	336	32,953	€	₹	(386)
Management and administration	ষ		a	67.69	8	প্ল	986'9	ន	প্র	977.9	#	9	720
Total	86		22	57,123	86	\$99	-60,354	689	654	59,463	<u>(9</u>	Ē	(168)

This budget activity includes personnel and funding resources necessary to maintain an effective and viable Tax Division. The tax enforcement litigation conducted by Division attorness that the nation's internal revenue laws will be fairly and uniformly applied and that general public compliance with the country's tax laws will be maintained. In conducting its primary mission of tax law enforcement, the Tax Division serves as a key revenue generating agency for the Federal Government. As a result, the Division contributes significantly to Administration and Congressional efforts to reduce the Federal budget deficit.

	An Perm.	Approprial	ition	Perm.	1994 Ba.	line	Perm.	1994 Esti	mate	Incr.	zase/Dec	382
Federal appellate activity	202	Pos. WX 97 92	Amount \$7,388	Pos. WY 97 89	¥¥	Amount \$7,796	જુ	Pos. WY 95 87	Amount \$7,648	(2) (2)	3 ₹	Amount (\$148)

LONG RANGE GOAL: To promote fair and uniform enforcement of the tax laws in appeals taken to the Federal and State appellate courts.

MAJOR OBJECTIVES:

To maintain the high caliber of the Government's written and oral advocacy in Tax Division cases on appeal and pending before the Supreme Court.

To recommend and prosecute appeals of wrongly-decided Tax Court, Claims Court, District Court, and State court decisions.

8

To persuade the appellate courts to adopt fair and consistent interpretations of complex new tax statutes, including issues now beginning to arise under the Tax Reform Act of 1986, the 1988 Taxpayer Bill of Rights, and the Revenue Reconciliation Act of 1990.

į .

To furnish legal advice and other litigation support to the Internal Revenue Service, the U.S. Attorneys' Offices, and other sections of the Tax Division

Government in the appellate courts. In addition, the Division's Federal Appellate attorneys handle the appeals in Freedom of Information Act and Privacy Act cases and civil tort suits which involve IRS officials, and the appeals in cases involving inter-governmental immunity. They are also called upon to prepare briefs for the United States as amicus curiage in private lawsuits presenting issues affecting the interests of the IRS or in which the courts otherwise invite the Government to state its views on tax-related questions. BASE PROGRAM DESCRIPTION: Federal Appellate attorneys litigate all Federal civil tax cases appealed to the United States courts of appeals and State appellate courts. They also prepare drafts of all tax pleadings and briefs filed by the Solicitor General in the Supreme Court and make recommendations to the Solicitor General regarding the advisability of filing:
(i) appeals in tax cases lost by the Government in the District Courts, the Claims Court, the Tax Court, and State courts; and (ii) petitions for certionar in tax cases lost by the

ACCOMPLISHMENTS AND WORKLOAD: The accomplishments of the Federal Appellate Activity program are summarized in the following table:

			Estimates	
ltem	1861	7661	1993	1994
1. Appellate Caseload:				
Pending, Start of Year Received Closed Percent Government Wins	932 927 931 88%	928 1,080 1,015 85 %	993 1,175 1,065 85.%	1,103 1,260 1,080 83 %
2. Work Products:				
a. Main Briefs	603 100 294 487	689 87 251 510	715 100 288 525	740 116 305 550

Ě These data are derived from the Tax Division's monthly report of case receipts, closings, and related statistics. The 1991 and 1992 statistics reflect annual end-of-year caseloads. 1993 and 1994 projections are based upon data received from the IRS' automated case tracking system, as well as internal statistics concerning the Division's civil trial docket.

While caseload statistics are helpful in appraising th: productivity of our Appellate attorneys, case examples provide a better understanding of the nature and revenue impact of the itigation conducted by the Appellate Section. The following examples illustrate the critical role played by Federal Appellate attorneys in protecting the public fise.

that such expenses represented non-deductible capital expenditures. Because of the spate of merger and acquisition activity during the 1980s, the Appellate Section's victory in Indoppe is investment banking and Iggal fees incurred incident to a friendly takeover transaction in which a multi-national conglomerate acquired all of the taxpayer's stock. Instead, the Court held adverse decision of the Sixth Circuit in United States v. Burks, and held that amounts received as back pay under Title VII of the Civil Rights Act of 1964 are not excludable from the The cases handled by the Division's Federal Appellate Section are marked by their extraordinary complexity and administrative importance. For example, in *Indopce v. Commissioner*, the Supreme Court granted certiorari and in a unanimous opinion ruled in favor of the Government. The Court held that the taxpayer could not deduct, as trade or business expenses, expected to lead to the collection of over \$3.5 billion in tax revenues for the Federal Treasury. And in another case with significant revenue impact, the Supreme Court reversed the recipient's gross income under Section 104 of the Internal Revenue Code.

the portion of its newspaper acquisition costs that it attributed to the value of those papers' subscribers. The ultimate resolution of this case, which is now pending in the Supreme Court, will affect a legion of cases involving the banking, insurance, financial services and retail sales industries, where taxpayers have claimed amorization deductions for similar customer-Similarly, in Newark Morning Ledger v. United States, the Third Circuit, in September, 1991, reversed an adverse district court decision and held that the taxpayer could not amortize federal retirees were required to report a portion of the lump-sum payments they received under the Civil Service Retirement System as taxable income. This decision affected about 59,000 taxpayers and will bring over \$1 billion into the Treasury. These cases illustrate that the litigation conducted by the Tax Division represents the tip of an enormous iceherg -- a groups estimate that as much as \$10 billion in revenues hinge upon the outcome of this case. In yet another major victory, the Federal Circuit held, in Shimota y. United States, that based intangible assets. The IRS estimates that between \$4 and 6 billion in collectible revenue rides on the Supreme Court's decision in Newark Marning Ladger. Certain industry single case or series of cases may establish Judicial precedents that affect thousands of taxpayers and billions of dollars.

United States v. Leventhal and United States v. Goldberger & Dubin, P.C., marked a critical juncture in the enforcement of Section 60501 of the Internal Revenue Code. That provision While corporate and banking tax cases involve issues of administrative importance, so too do caxx that arise in less financially-charged contexts. For example, the appellate victories in narcotics trafficking and organized crime. In Leventhal and Goldberger, the appellate courts rejected the contention that attorneys are exempt from these important informationidentifying the payor and the amount of cash received. This information reporting requirement is an important tool in securing compliance with the tax laws and in fighting requires that all persons engaged in a trade or business who receive more than \$10,000 in cash payments in a single transaction or related transactions file an information return reporting requirements. A contrary decision would have created a major loophole in the reporting requirements.

Appellate attorneys prevailed in both. In Internal Revenue Service v. Nordic Village, the Court held that Congress had not waived the sovereign immunity of the United States from an iction seeking monetary recovery. A contrary decision would have exposed both the Federal and State Governments to millions of dollars of damages and, more critically, could have Like other components of the Tax Division, the Appellate Section has witnessed a marked increase in bankruptcy cases. One seeking evidence of this phenomenon need look no farther hindered the Tax Division and the IRS from aggressively pursuing the billions of dollars at Issue in the tens of thousands of bankruptcy cases handled by the Tax Division each year. than the Tax Division's docket in the United States Supreme Court. Thus, two of the six tax cases decided by the Supreme Court last term were bankruptcy cases and Tax Division In the other favorable bankruptcy decision, the Supreme Court unanimously held in Holywell Corp. v. Smith that the trustee of a liquidating trust set up under a confirmed plan of reorganization must file returns and pay taxes for the debtors. The ruling closed a substantial loophole created by the Eleventh Circuit, which had held that the trustee, who possessed all the debtor's property, was free to distribute the proceeds of the sale of that property without paying the millions of dollars in taxes owed by the debtors.

1994 Estimate Increase/Decrease	Perm. Perm.	Pos. WY	95 87 \$7,648 (2) (2) (\$148)
1994 Baseline	Perm.	Pos. WY Amount	961,178 89 79
PROGRAM CHANGES:			Federal appellate activity

A program decrease of 2 positions, 2 workyears, and \$121,000 is required to meet workyear levels established by the Administration. A program decrease of \$27,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity.

These cuts will not significantly affect the Tax Division's ability to achieve its major program objectives in this area of responsibility. However, with a slightly reduced workforce, Tax Division appellate attorneys will take on larger dockets and have less time to meet court deadlines. This will require the Division to prioritize those cases where a successful outcome is most critical to protecting future Treasury revenues.

Among the administrative costs savings being considered are reductions in automated legal research, copier service, employee vehicle parking, and equipment maintenance.

	Increase/Decrease	Perm.	Pos. WY Amount	(3) (3) (\$237)	
	Estimate			\$12,086	
	1994		XX	138	
		Pem.	Pos	147	
	eline		Amount	\$12,323	
	994 Bas		ΧX	-	
		Perm.	Pos.	150	
ion	-		Amount	\$11,646	
ppropriat	cipated		×	145	
1993 A	Appl	Perm.	Pos.	120	
				Criminal tax prosecution	

LONG RANGE GOAL: To promote voluntary compliance with the nation's tax laws by investigating and prosecuting individuals and corporations for violations of Federal criminal tax

MAJOR OBJECTIVES:

To promote compliance with the tax laws by investigating and prosecuting criminal violations in cases referred by the IRS and the U.S. Attorneys' Offices, and to handle appeals resulting from these prosecutions.

To monitor and participate in grand jury investigations and to review grand jury evidence to determine whether prosecution for tax crimes should be authorized.

To ensure coordination between the U.S. Attorneys' Offices and the Criminal Investigation Division of the IRS in criminal tax investigations and prosecutions.

To investigate and prosecute cases arising from the savings and loan crisis and to support the efforts of the offices of U.S. Attorneys and the Criminal Division in the Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) initiative.

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To supervise and prosecute criminal tax cases involving tax protester schemes, money laundcring, bankruptcy fraud, off-shore banking operations, and other criminal tax evasion activities, including those sponsored by organized crime.

To protect the Pederal Treasury by ensuring that abusive tax shelter and tax evasion schemes are detected, investigated, and successfully prosecuted.

BASE PROGRAM DESCRIPTION: By ensuring that the criminal tax laws and related criminal statutes are actively and fairly enforced, the Tax Division's Criminal Tax Prosecution program deters taxpayer fraud and promotes voluntary compliance with the nation's tax laws. Attorneys in the Criminal Enforcement Sections investigate and prosecute individuals and corporations which willfully fail to file returns, file false returns, or otherwise intentionally evade their obligations under the Federal tax laws. They also investigate and prosecute tax violations arising from financial institutions fraud, narcotics-related crimes, bankruptcy fraud, organized crime, public corruption, and domestic and international tax conspiracies. A balanced compliance program is maintained through criminal investigation and prosecution of individuals and corporations in a wide variety of industries and occupations. The Criminal Enforcement Sections receive prosecution and grand jury referrals in lax cases from the IRS and screen them to ensure that uniform standards of prosecution are employed and that all criminal tax violations warranting prosecution are, in fact, prosecuted. The review of criminal tax cases by Criminal Enforcement attorneys contributes to the high overall quality of criminal tax prosecutions and results in better than a 95 percent conviction rate, essential to deter taxpayer fraud. Authorized prosecutions are handled either by the U.S. Attorneys, or, in complex or significant cases, by the Tax Division's own Criminal Enforcement attorneys. Our attorneys also provide legal advice to the U.S. Attorneys' Offices on a wide range of issues and monitor the status of criminal tax cases that have been referred to those offices.

ACCOMPLISHMENTS AND WORKLOAD: Workload accomplishments of the Cnminal Tax Prosecution program are summarized in the following table:

				After anners aborder: Tenta applicaped observing			Estimates		
	61	91	31	992	37	393		1994	
-	Cases	Subj.	Cases	Cases Subj.	Cases	Cases Subj.	Cases	Cases Subj.	
1. Cases Received									
a. Complex	821	1,180	814	1,161	862	1,239	908	1,301	
b. Non-complex	104	113	72	11	114	125	120	131	
c. Outgrowths	427	718	454	824	465	844	200	905	
d. Returned for Supp	707	299	220	298	236	322	248	338	
Total Cases Received	1,556	2,310	1,560	2,360	1,677	2,530	1,773	2,675	
2. Total Grand Jury Investigations Received	280	1,586	799	1,673	855	1,965	006	2,070	
3. Closings									
a. Cases	1,414	2,059	1,303	1,925	1,448	2,100	1,465	2,130	
Investigations	557	1,555	455	1,321	\$65	1,575	870	1,590	
Total subjects pending, Beginning of Year		5,251		5,533		6,320		7,140	
Special Enforcement Cases Pending: Drug (Non-OCDE)		744		750		377		790	
Excise Tax FIRREA		87 134		157 153		230 170		235 180	

These data are derived from the Tax Division's automated monthly report of cases receipts, closing, and related statistics. The 1991 and 1992 statistics reflect annual end-of-year caseload. Estimates for 1993 and 1994 are based upon internal data and information received from the Criminal Investigations Division of the IRS.

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The Tax Division's Criminal Enforcement Sections are responsible for authorizing and, at times, directly handling grand jury investigations and prosecutions of tax crimes. The Tax Division has long recognized that the deterrent effect of detecting and successfully prosecuting crit. all tax violators is critical to maintaining the public's compliance with the tax laws. Our Criminal Enforcement attorneys have also participated extensively in enforcement programs involving criminal tax violations stemming from financial institution fraud, organized crime activities and narcotics trafficking.

San Angelo Savings Association, who received kickbacks and bribes because of his position with this institution. More recently, Criminal Enforcement secured the convictions of Harry Criminal Enforcement attorneys have actively contributed to the major success story of the Dallas Bank Fraud Task Force. The Tax Division's participation in the Task Force has so far William M. Adkinson and eleven other individuals. The so-called Adkinson Group engaged in an elaborate scheme to defraud two savings and loan institutions of approximately \$100 yielded 43 tax-related convictions and 33 additional indictments. For example, Criminal Enforcement attorneys obtained the conviction of II.J. "Mickey" Saffee, former chairman of J. James (the bandleader's son) and Ray W. Charrona, real estate developers who failed to report \$7 million in profits from "land flips" in 1984. The \$67 million in boans these individuals used to finance these deals led to the demise of two Dallas savings and hams. And Criminal Enforcement attorneys obtained the convictions on multiple charges of nillion in connection with the acquisition of approximately 20,000 acres of beach and timber land near Ft. Walton Beach, Florida.

najor initiative focusing on motor fuel excise tax evasion, they successfully prosecuted Juseph Galizia (a soldier in the Genovese organized crime family) and four others (two of whom are members of the Russian organized crime group) on charges of evading more than \$14 inillion in gasoline excise taxes on the sale of over 155 million gallons of gasoline over a tenmonth period. Criminal Enforcement attorneys also obtained the conviction of Marat Balagula, the reputed head of Russian organized crime in the New York metropolitan area, and two others on charges of evading gasoline excise taxes. Over the last three years, we have obtained 47 convictions in this critical enforcement area. During the past year, Criminal Enforcement attorneys also were in active pursuit of criminal tax violations growing out of the operations of organized crime syndicates. As part of a

the IRS revenue agent corps, used his position to obtain over \$600,000 in bribes in return for ensuring that taxpayers would not suffer from Morales' "audits." As part of the Division's from Robert A. Morales and his son to charges of tax crimes, money laundering and bribery. Prior to his removal in March of 1990, the elder Morales, a thirty-three year veteran of ong-standing commitment to "Operation Illwind," Criminal Enforcement also obtained the conviction of Ralph A. Fuentes, former president of Computer Dynamics, Inc., on charges Criminal Enforcement attorneys also made their mark in attacking public corruption. In the largest bribery case in IRS history, Criminal Enforcement attorneys obtained guilty pleas of conspiring to defraud the IRS, the Department of the Navy and the Federal Elections Commission. Fuence used the employees of his corporation as strawmen to make illegal contributions to various campaigns and then compounded his crime by deducting the payments on the corporation's returns as compensation.

Following Whittenberg's conviction, a Nevada jury authorized the forfeiture of 59 items of property owned by him, including millions of dollars in cash, airplanes, classic cars, boats, Barrios was sentenced to 80 years in prison. Tax Division attorneys also obtained the indictments of two other members of the Barrios/Pruna narcolics ring -- Zalda Faltma Borge and marijuana and 5,000 kilos of cocaine into the United States from 1981 through 1987, reputedly making this ring the sixth largest narcotics trafficking organization in the country. attorneys also obtained the convictions of Carl E. Whittenberg, and two others on tax evasion, money laundering and narcotics charges. Whittenberg is a pilot who flew 1,100 kilograms of cocaine and 100 tons of martjuana into Nevada from Mexico and Columbia and thereafter distributed those narcotics in Nevada, California, Colorado, and Alaska. Criminal Enforcement attorneys continue to play a critical role in the Administration's war on drugs. For example, Criminal Enforcement attorneys obtained the tax and narcotics convictions of Jesus Lazario Barrios. Barrios, along with Fernando and Andres Pruna, headed a major drug distribution network that imported approximately 50,000 kilos of Grezia Rabbal-Compte. They were responsible for distributing 3,500 kilos of cocaine throughout South Florida and Alabama from 1985 through 1988. Criminal enforcement real estate, and an interest in a Las Vegas night club. Whittenberg was recently sentenced to life in prison.

fraud -- they have also intensified their investigation and prosecution of tax schemes involving unreported income legally obtained by individuals and corporations. In an effort to improve Though the Criminal Enforcement Sections devote substantial resources to enforcement programs centering on illegal-source income -- narcotics, organized crime, and financial institution voluntary compliance with the tax laws, the Division initiated a general enforcement initiative targeting non-filers of returns, who account for billions of dollars in lost revenue annually. individuals were indicted under a non-filer program that encompassed virtually every major city in the country. Criminal Enforcement attorneys are also pursuing tax fraud in the corporate boardroom, as evidenced by the recent conviction of Georgia Pacific Corporation, which pled guilty to taking an inflated deduction on its corporate tax return for swampland donated to the Suwance River Water Management District. As part of its sentence, Georgia Pacific paid a \$7 million fine. The IRS believes that nearly seven million taxpayers (individual and corporate) failed to file 1991 returns. To combat this problem, between January 1, 1992, and April 15, 1992, 127

filed in 1991, 71 individuals have already been convicted in fifteen judicial districts on electronic filing fraud charges. In the largest case to date, 24 individuals, including 18 resident aliens, were indicted on December 4, 1991, in Houston, Texas. The scheme involved fraudulent electronic refund claims filed by approximately 750 meligible individuals, many of them Finally, Tax Division attorneys are assisting the IRS in uncovering and proxecuting aboves of the Service's new system for electronically filing tax returns. In cases arising out of returns unemployed residents of low-income housing projects, who were recruited by the defendants.

1994 Baxeline 1994 Estimate Ir Perm.	Pos. WY Amount Pos. WY Amount Pos. 150 141 \$12,323 147 138 \$12,086 (3)
ROGRAM CHANGES:	Criminal tax prosecution

A program decrease of 3 positions, 3 workyears, and \$193,000 is required to meet workyear levels established by the Administration. A program decrease of \$44,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity.

These reductions will not significantly affect the Tax Division's ability to achieve its major program objectives in this area of responsibility. While present enforcement levels will be maintained, the Division may not have sufficient resources to handle the overflow of criminal tax cases likely to arise as a result of reductions in other Department legal component

Among the administrative costs savings being considered are reductions in automated legal research, copier service, employee vehicle parking, and equipment maintenance.

x litigation	Perm. Pos. 358	Appropriaticipated WX 348	ion Amount \$31,320	Perm. Pos. 358	4 Baseling WY 340	Amount \$33,239	Perm. Pos. 354	994 Estin WY 336	Amount \$32,953	Incres Perm. Pos. (4)	WX (4)	Amount (\$286)

Civil tax

LONG RANGE GOAL: To litigate all civil tax matters pending in Federal and State trial courts in a manner that will enhance voluntary compliance with the nation's internal revenue laws.

MAJOR OBJECTIVES:

To defend, and resolve fairly, all suits against the Government sæking a refund of taxes paid.

To defend the Government's interests in the tens of thousands of bankruptcy proceedings filed each year in which the Government has a tax claim.

To maximize the collection of taxes through the successful fitigation of cavil fax recovery suits and through prompt collection of all tax judgments entered in the Government's favor.

To facilitate on-going IRS investigations by seeking court orders enforcing administrative summonses issued by that agency.

To represent the Government in all injunctive, declaratory judgment, mandamus, jeopardy assessment, and other civil tax suits.

To defend civil tort actions brought against revenue officials and thereby discourage nuisance suits against such officials.

To administer Freedom of Information Act and Privacy Act programs by appropriately balancing the public's right to information concerning the policies and practices of the IRS with the IRS' ability to conduct effective tax investigations and its responsibility to safeguard statutorily-defined confidential material.

To furnish expert legal advice and other litigation support to the IRS and the U.S. Attorneys' Offices.

owed by taxpayers; suits brought against IRS and other Government officials for tort violations allegedly committed in tax collection activities; suits against the Internal Revenue Service under the Freedom of Information and Privacy Acts; and State and local inter-governmental tax immunity suits. Civil Tax Litigation attorneys also represent the Government's interests in controversies on a basis that is fair and consistent with those laws. These attorneys litigate suits filed by or against taxpayers in the U.S. District Courts, the U.S. Bankruptcy Courts, and the U.S. Claims Court, including: tax refund suits brought by taxpayers challenging the IRS' determinations of their Federal tax liabilities; bankruptcy litigation involving the validity and priority of Federal lax claims and the feasibility of plans of reorganization; actions to enforce summonses seeking information needed by the IRS; suits to collect taxes and other moneys BASE PROGRAM DESCRIPTION: Civil Tax Litigation attorneys handle all trial matters relating to the administration and enforcement of the tax laws and seek to resolve tax a myriad of litigation conducted in State courts.

ACCOMPLISHMENTS AND WORKLOAD: The accomplishments of the Civil Tax Litigation program are summarized in the following table:

			Estimates	
ltem	ा <u>द्धा</u>	7661	<u> 1993</u>	7551
1. Defense Monetary Claims				
a. Lax Refund Cases				
Pending, Beginning of Year	2,632	2,488	2,36\$	2,335
Received	940	930	076	1,020
Closed	1,084	1,053	000'1	010'1
b. Other Defense				
Pending, Beginning of Year	1,056	1,112	1,208	1,328
Received	006	912	945	066
Closed	844	816	825	840
2. Recovery of Money				
a. Bankruptcy Cases				
Pending, Beginning of Year	5,017	4,936	5,297	12,297
Roceived	26,187	39,192	47,000	53,000
Closed	26,268	38,831	40,000	41,000
b. Other Recovery				
Pending, Beginning of Year	2,160	1,996	1,886	1,902
Received	830	868	916	266
Closed	994	978	006	925
Federal Civil Programs				
a. FOIA/Privacy Act				
Pending, Beginning of Year	73	136	146	157
Received	101	69	73	77
Closed	38	59	62	3
b. Summons Enforcement				
Pending, Beginning of Year	470	470	354	285
Received	2,150	1,394	1,502	1,515
Closed	2,150	1,510	1,571	1,515
c. Other Enforcement				
Pending, Beginning of Year	466	408	327	322
Received	334	273	290	300
Closed	392	354	295	300

Workload statistics were obtained from the Tax Division's automated monthly report of case receipts, closings, and related statistics. 1991 and 1992 statistics reflect actual end-of-year caseload. Estimates for 1993 and 1994 are based upon information from the IRS' automated case tracking system, the IRS's and the Division's analyses of the impact of recently-enacted legislation, and projections based on current and past caseload trends:

attorneys at the request of the IRS to support its enforcement, audit, and collection programs. It also includes a burgeoning number of tax matters arising in the U.S. Bankruptcy Courts. The Division's Civil Tax Litigation program represents its most comprehensive litigating function, involving approximately 45,000 cases annually. Our Civil Trial attorneys enforce the IRS' general compliance activities and special audit programs by defending the administrative determinations of that agency in the courts. The work of the Civil Trial Sections covers a broad spectrum of proceedings in the U.S. District Courts and the U.S. Claims Courts, including tax refund suits and other suits brought by taxpayers, as well as actions brought by our The following cases that were handled by the Division's Civil Trial Sections' attorneys are representative of the diversity and importance of their work.

Medical Center Hospital v. United States, in which a Tennessee District Court held that student nurses working at a hospital were employees of that facility, rather than independent contractors, and that the amounts received by these student nurses were, therefore, subject to the Social Security lax. Although this case directly involved only \$56,865, a recent House Ways and Means Committee Report suggests that the ultimate decision in this and other pending cases involving student nurses could affect the collection of over \$500 million during the next four years. The IRS Research Division estimates that billions of tax dollars are lost annually as the result of the improper classification of employees as independent Cases handled by Civil Trial automeys often establish the "rules of the road" that govern thousands of cases pending administratively. A classic illustration of this is Lahasan City

<u>United States</u>, when it persuaded the court to disallow the deduction the taxpayer had claimed for "greennall" payments. The court held that the \$20 million Lane Bryant paid to redeem stock from shareholders it believed were planning a hostile takeover could not be deducted as ordinary and necessary trade or business expenses. Rather, because those payments generated long-term benefits for the taxpayer, they constituted capital expenditures. With the explosion of takeover activity in the mid-1980's, the IRS has estimated that questions Many of the cases litigated by our Civil Trial attorneys involve enormous amounts of revenue. For example, our Claims Court Section secured a major victory in Lane Brand. Jac. 12. involving the deductibility of such "greenmail" payments and other merger-related expenses involve over \$3.5 billion in potential revenue nationwide.

three bundred million dollars into the Federal Treasury. Overall, during the past year, Civil Trial attorneys handled approximately 40,000 bankruptcy cases, including over ten billion dollars in tax claims in the mega-bankruptcies of such companies as Chunpeau (Federated Department Stores), Greyhound Lines, Trans World Airlines, Continental Airlines, During the past year, Civil Trial attorneys also secured a number of major victories in the U.S. Bankruptcy Courts. For example, in In Re Drazel, Burnham, Lambert Corporation, the complicated tax issues posed in this case. Ultimately, these attorneys worked around the clock negotiating a highly favorable settlement of this matter, which will eventually bring over Tax Division assembled, on short notice, a team of over 20 attorneys, who dedicated approximately 3,000 attorney hours over several months in preparing to try the 24 different, Braniff Airlines, Revco, Financial Corporation of America, Placid Oil Company, Hillsborough Holding Co., and Windsor Properties.

Frequently, our Civil Trial attorneys are required to take dramatic action to protect Federal revenues. For example, in Aspinall v. United States, Civil Trial attorneys persuaded a district precious metals. The bank promised its "customers" secrecy from IRS inquiries. The decision in Asplaall effectively shut down this banking operation and represented a major victory in court to dismiss a wrongful levy action involving approximately \$2 million in gold and silver bullion seized by the IRS from the headquarters of the National Commodity and Barter .5 the Division's long-standing legal battle with tax protestors. In another major victory in a collection case, Civil Trial attorneys negotiated settlements with notorious inside traders, Dennis Levine and Robert Wilkis. Levine and Wilkis will pay over \$14 million in taxes owed on unreported income they derived from their insider trades during the 1980s. And, Association (NCBA), a large organization of tax protesters. The NCBA had operated a "warehouse bank," in which NCBA members deposited funds which were used to purchase TOWE P. United States, Civil Trial attorneys convinced the district court to rule that the IRS had properly levied on 91 antique Ford automobiles to collect over \$5 million in tax

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delinquencies owed by Edward Towe, a prominent Montana businessman. Towe Antique Ford Foundation, an entity whose tax-exempt status was recently revoked, unsuccessfully claimed that Mr. Towe had donated the antique automobiles to it in 1981. Civil Trial attorneys have also contributed mightily to enforcing critical information gathering provisions in the Internal Revenue Code. Often, the IRS' ability to establish the proper amount of tax owed by an individual or a corporation hinges on its obtaining important documents or other information from the taxpayer. A perfect illustration of the importance of such information gathering is United States v. K.T. Deer, Chairman of Chevron Corp., the first case involving the designated summons provisions of Section 6503(j) of the Internal Revenue counter the resistance of large corporation to providing the IRS the information needed to complete an audit. Our Civil Trial attorneys convinced the district court in Cheuron to enforce a designated summons issued in conjunction with the Service's examination of Chevron's liabilities arising out of the so-called Aranco Advantage issue, involving the treatment of oil Code. Those provisions, which effectively suspend the statute of limitations on assessments while the Government seeks judicial enforcement of a summons, were enacted in 1990 to sales made pursuant to pricing policies of the Saudi Arabian government. This ruling was recently affirmed by the Ninth Circuit. Although the Service has not yet determined the amount of money at issue in Chevron, the same issue was also raised in a highly publicized Tax Court case involving Exxon Corporation and a \$6.2 billion deficiency.

from Forms 8300 filed by the law firm of Garland & Sanuel in Atlanta, Georgia. Section 50501 of the Internal Revenue Code requires a person who receives more than \$10,000 in requirement is an important tool in securing compliance with the tax laws and in fighting narcotics trafficking and organized crime. The Garland case is one of several recent In another important summons case, United States v. Edward T.M. Garlaud, the district court entered an order enforcing summonses issued by the IRS to obtain information omitted cash to file a Form 8300 reporting the receipt of the cash, together with the name and other identifying information of the person submitting the cash. This information reporting 60501 cases in which Civil Trial attorneys have fended off the claims by criminal defense attorneys that they are exempt from the reporting requirements.

PROGRAM CHANGES:	Per I	4 Baselin		Perm	1994 Estin	ale	Inste	ase/Deci	case
Civil lax litigation	Pos. 358	340 340	Amount \$33,239	354 354	336 336	Amount \$32,953	3 (구)	≱ €	Amount (\$286)

A program decrease of 4 positions, 4 workyears, and \$168,000 is required to meet workyear levels established by the Administration. A program decrease of \$118,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity.

handle larger dockets of cases and, because of the scheduling pressures they will face, will sometimes be required to settle cases which may have promised greater recoveries of tax dollars if more time could have been devoted to the matter. This will be particularly true with respect to the mounting number of bankruptcy cases that are now pending in civil dockets.

Tax Division will also have to prioritize assistance rendered to the Internal Revenue Service in its efforts to reduce its accounts receivable inventory, conservatively estimated at \$29 These reductions will not significantly affect the Tax Division's ability to achieve its major program objectives in this area of responsibility. However, attorneys will be required to

Among the administrative costs savings being considered are reductions in automated legal research, copier service, employee vehicle parking, and equipment maintenance.

	1993 A	93 Appropriat Anticipated	ion	18	94 Baselii	ગ		1994 Esti	mate	Incre	ase/Dec	385
	Pos.	WX	Pos. WY Amount	Pos.	WX	Pos. WY Amount	Perm.	ΜX	Perm. Pos. WY Amount	Pos.	ΜX	Pos. WY Amount
Management and administration	94	103	692'9\$	94 95	95	966'9\$	93	93	\$6,776	ε	(3)	(1) (2) (\$220)

LONG RANGE GOAL: To provide Division-wide management and policy direction including: maintaining effective liaison with the Internal Revenue Service, U.S. Attorneys' Offices, and other Department components; providing essential administrative, financial, personnel, and information systems support to Tax Division employees; promptly reviewing and analyzing proposed legislation affecting the nation's internal revenue system; and fulfilling the Division's administrative responsibilities under the Freedom of Information and Privacy Acts, as well as under Section 6103 of the Internal Revenue Code.

MAJOR OBJECTIVES:

To furnish policy guidance and direction for all litigating operations of the Tax Division.

To supply all required financial, technical, personnel, and other support services to components throughout the Tax Division.

To obtain funding and programmatic resources needed to sustain the Division's litigation program.

To represent the Tax Division effectively in its dealings with the Internal Revenue Service, the Office of Management and Budget, the offices of U.S. Attorneys, and the other components within the Department of Justice.

To maintain the EAGLE office automation network.

The Executive Direction, Legislative Affairs, and Administrative Services components of the Tax Division provide leadership, policy guidance and direction, and administrative support to all components of the Tax Division. The Division's executive leadership establishes appropriate and uniform policies involving civil and criminal components of the Department of Justice. The legislative affairs program reviews and analyzes legislative proposals that directly affect the litigating mission of the Tax Division, and prepares all legislative reports required by the Congress, the Office of Management and Budget, and the Department of Justice. Timely responses are also prepared to satisfy the requirements of the Freedom of Information and Privacy Acts. tax law enforcement, and promotes and maintains communications and liaison with the IRS, the Office of Management and Budget, the offices of the U.S. Attorneys, and other BASE PROGRAM DESCRIPTION:

The Administrative Section provides services relating to general administration, fiscal/budgetary controls, automated information systems technology support, personnel administration, and other administrative support services as required. It consists of three separate components: (i) the Executive Office, which provides overall control and policy guidance; (ii) the Administrative Services Staff, which is responsible for all accounting and financial services; budgetary planning and evaluation; personnel services including monitoring the recruitment and hiring of Division personnel; case records and file management; procurement and facilities management; and (iii) the Information Management Staff, which is responsible for managing and maintaining the EAGLE office automation network and for providing all other information systems technology support required by Tax Division employees; litigation support services; a personal computer resource center; and a post litigation operation which tracks and monitors the Division's collection operations.

ACCOMPLISHMENTS

inception. This commitment has resulted in improved internal management controls, enhanced office automation and litigation support systems, and successful programs to improve The Division's senior executive management remains committed to maintaining and enhancing the standards of excellence that have been the hallmark of the Tax Division since its employee training, recruitment, and retention. The Tax Division's primary mission is to promote the uniform and equitable enforcement of the nation's tax laws. In pursuing this goal, the Division's executive managers have fostered heightened cooperation with the U.S. Attorneys and the Internal Revenue Service, meeting regularly with representatives of those organization to discuss matters of mutual concern. The essentially doubled during the past two years. Valuable contributions were also made to the Dallas Bank Fraud Task Force. The Tax Division dramatically increased its participation in this area, and has, to date, successfully prosecuted 47 individuals for tax violations. In addition, the Division assisted the State and Treasury Departments in negotiating international tax treaties, including major protocols with Columbia and Hong Kong which will facilitate the exchange of individual and corporate financial information in both civil and criminal tax Tax Division has also increased its participation in the Organized Crime Drug Enforcement Task Forces: the amount of time dedicated to this program by Tax Division attorneys matters. Such treaties are critical to the Government's continuing efforts to interdict international narcotics trafficking, money-laundering, and tax shelter schemes.

The Tax Division has succeeded in rectifying its previous employee recruitment and retention problems. Many of the programs first started by the Division have now become models used by other legal components in the Department. To deal with employee turnover, the Division's management expanded existing awards programs, implemented a new spor-award program for non-legal employees whose work performance demonstrates genuine initiative, and organized committees of line attorneys and staff assistants and established a monthly newsletter to improve communications within the Division. Employee morale and job performance have likewise improved as a result of a heightened emphasis on employee training

the time trial attorneys enter on duty and the hands on training they need to conduct trials. The Office of Training also instituted new one on one computer training programs, allowing During the past year, the Division's Office of Training conducted its two-weck Civil Trial Advocacy course twice, training approximately 40 new attorneys and closing the gap between weaknesses, designing a program to correct deficiencies, and then post-testing to see that results have been achieved. In keeping with the Departmental emphasis upon the collection of individuals the flexibility to schedule classes whenever time permits. A new word processing program was instituted to train secretaries on an individual basis by first diagnosing the indements, all Civil Trial Attorneys were required to attend classes with respect to the use of the Division's revised <u>Judgment Collection Manual.</u> During the past year, the Division completed an ambitious reorganization of its Administrative Section, breaking that section into two functional subcomponents. One of these groups will focus on the Division's automation needs, providing enhanced information services, litigation support, and personal computer resources. The other subcomponent will concentrate on core provide more comprehensive administrative and technical support services to the Division's personnel. As part of the reorganization, the Division created a long-awaited litigation support functions such as budget and finance, program evaluation, personnel, and facilities management. This new framework will not only streamline our administrative operations, but also unit, which is responsible for overseeing the Division's fledgling automated litigation support program and providing field support to attorneys working in remote locations.

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personnel and payroll records to the Department of Agriculture's National Finance Center; (vi) revitalizing our security reinvestigation program to update security clearances for personnel initiating the process of automating the Division's procurement and small purchase inventory systems; (ix) completing the installation and implementation of the Washington Area Switch security features, and greater programming and graphics capabilities. Each of these achievements contributed significantly to the overall success experienced by the Division in the past Among the other major achievements of the Administrative Section were the following: (i) completing the installation of the EAGLE office automation network and performing a risk analysis of that system; (ii) conducting an intensive study of computer security and developing a comprehensive security plan which has been reviewed and approved by the Justice Program (WASP), which will bring the Division's telecommunications into the Twenty-First century; (x) coordinating the move of the Administrative Section and two of our Criminal Litigation sections to new office space; and (xi) converting our case management system to a new computer with expanded data load capacities, improved response time, enhanced with over 5 years of service since their last background investigations; (vii) training managers in labor relations to facilitate smooth relations with a newly unionized work force; (viii) Management Division's Systems Policy Staff; (iii) speeding up travel reimbursements to attorneys through the implementation of the Department's in-house third-party draft payment program; (iv) implementing igvoice processing procedures for the payment of 3,000 litigation bills to improve compliance with the Prompt Payment Act; (v) successfully converting

in November, 1991. Also, over the past year the Division has participated in discussions leading to the development of the Department's financial litigation plan signed by the Deputy Attorney General on July 15, 1991. During fiscal year 1992, the Tax Division obtained affirmative judgments and settlements totalling \$340,000,000. In addition, \$305,000,000 in cash was collected by the Division in 1991, including \$83,000,000 reported in the Department's lock box system and \$222,000,000 in cash amounts that were paid directly to the client Division's directive on debt collection policy and its manual on debt collection procedures. The revised directive was issued in June, 1991 and the manual was completed and distributed Finally, this past year, the Tax Division dedicated considerable resources to improving its debt collections effort. Management appointed a committee of senior attorneys to revise the

PROGRAM CHANGES: 1994 Baseline 1994 Estimate Increase/D Perm. Perm. Perm. Perm. Poss. WY Amount Poss. WY Management and administration 94 95 \$6,996 93 93 \$6,776 (1) (2)	Increase/Decrease. Perm. Pos. WX Amount (1) (2) (\$220)	Perm. Pos. (1)	Estimate Amo	1994 E	Perm Pos.	Amount \$6,996	294 Basel WX 95	Perm. Pos.	IANGES: nd administration

A program decrease of one position, two workyears, and \$194,000 is required to meet workyear levels established by the Administration. A program decrease of \$26,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. These reductions reflect the Division's emphasis on maintaining the maximum level of attorney resources within its litigation programs. These cuts will not significantly affect the Tax Division's ability to achieve its major management objectives.

Among the administrative costs savings being considered are reductions in copier service, intra-division mail service, telecommunications service, employee vehicle parking, and equipment maintenance

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Ten Division Seletive end expenses. General Legal Activities

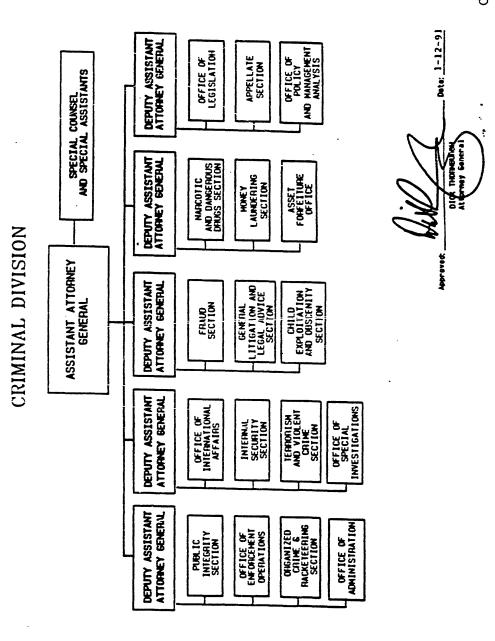
Financial Analysis : Program Changes (bollars in thousands)

	Fuderal App	Fuderal Appellate Activity		Criminal Tax Prosucution	כויוז ד	Civil Tax Littyation	Hanagement at	Management and Administration		Tote1	
	Petranont cut in Pos & PTE	٠ ١	Administrative Permanent cut Savinus in Pos & FTE	Administr	Permanent cu	Administrati	Potraenant cut	Administrative	Permanent cut	Administrative	3
The state of the s	Pos. Amount	7	1 1	. :	Pos. Amount	121	+ +-	2	Pos. Amount	4	٦
Grades											
68-12	(1)		(2) (\$81	:	8	581	(1) (\$40	:	(6) (5242	:	:
		:	ε	:	2	:	:	:	€		:
Other workyear reductions		:	:	:	:	:	:	:		:	:
1993 annualized reductions	÷ :	:	09)	:	:		:	:	. (33	:	:
Total positions and annual rate	(2) (100		(3) (160		(4) (139	66	(1)	::	(10) (540	:	1:
[repage eeder]	:	:	:	:	:	:	:	:	:	:	:
Other than full-time permanent	:	:	:	:	:	:	(1)	:	(1)	:	:
Other personnel compensation	:	:	:	:	:	:	:	:	:	:	:
Administratively determined salaries	:	:	:	:	:	:	:	:	:	:	:
Total workyears and personnel											
compensation	(2) (100	::	0 (3) (160	•	(4) (139		(2) (160	:	(11) (559	:	0
Personnel benefits	(21		(33)	•	(29	0	ž.	•	(11)		•
Travel and Transportation	•		0	•		•	•	•	_		•
OSA rent	•	:	•	•		•	•	•			•
Other rent	:		0	(\$		•	•	0	•		3
Print ing	:		•	•		•	•	•			•
Other services	•		•	(39		010	•	(3)	•		061)
Supplies and materials	:		•	•		0	•	•	•		•
Equipment	:	-,-	•	0		0	•	•	•	`	•
Total program workyeers and obligations					i		1				Ī
changes requested, 1993	(2)	(3)	(3) (183	:	(4) (168)	::	(2) (194	(36	(11) (676	:	512
		T				A		*	-		1

Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1992 - 1994

A PROPERTY OF THE PROPERTY OF		1993	3	1994	
		Adjustment in		Adjustment in	
	1992	Permanent		Permanent	
Category	Authorized	Positions	Total	Positions	Total
			,		
Attorneys (905)	392	7	388	9-	382
Paralegal Specialists (950)	26	:	26	:	. 56
Other Legal and Kindred (900-998)	29	:	29	:	29
Gen. Admin. Clerical and Office					
Services (300-399)	255	7	251	7	247
Accounting and Budget (500-599)	'n	•	'n	:	8
Total	707	8	669	-10	689
	, ,	٠		:	
Washington	0,0	•	200	07-	BC 0
U.S. Field*	31	:	31	•	31
	.00	d	907	91.	007
	2	•	666	2	600

* Includes one permanent field office in Dallas, Texas and personnel assigned to the Dallas Bank Fraud Task Force. The increase in bankrutcy activity in the Southwest section of the United Stats necessitated the shift of resources from headquarters to the Dallas Field Office in 1991.



September 1

Criminal Division Salaries and Expenses Crosswalk of 1993 Changes (Dollars in thousands)

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	<u>\$</u>	9 Presid	eut,e	⋖	ctions	c		Pos. &		₹	propriet	co
	Buc	get Req	uest	\$	33 Requ	15 0	Worky	Ar Red	rction	∢	nticipate	P
	Pos.	≩	Pos. WY Amount	Pos.	≩	Amount	Pos.	≩	Pos. WY Amount	Pos.	¥	Pos. WY Amount
Organized Crime and Nercotics	149	83	13,238	:	:	(63)	:	;	:	149	8	13,175
White Coller Crime	312	267	25,462	(27)	9	(1,072)	:	:	:	282	261	24,390
International	179	169	15,760	:	:	(75)	:	:	:	179	169	15,685
L'itigation Support	138	8	11,009	:	:	(25)	:	:	:	138	Š	10,957
Management and Administration	5	5	9,175	:	;	(06)	(8)	9	÷	88	95	9,085
Total	188	800	74,644	(27)	9	(27) (6) (1,352)	6)	6	:	849	784	73,292

Congessional Appropriation Actions. Congess dd not provide any program incresses for the Criminal Division in fiscal year 1993. Congess also applied a general reduction from the base program level of the General Legal Activities appropriation.

1993 Permanent Position and Workyear Reduction — A reduction of eight positions and 10 workyears has been assessed to meet the targeted workyear and resource levels of the Administration. Until decisions are made on the distribution, we are reflecting the reduction in the Management and Administration decision unit.

Adjustments to base:									
1993 as enacled	C								
1993 appropriation anticipated									i
Transfer from Working Capital Fund									
Mandalory increases									
1994 Base									
Savings to achieve deficit reduction targets.									
1994 OMB baseline									
Estimates by budget activity	1993	3 Appropria Anticipated	1993 Appropriation Anticipated	-	1994 Baseline	selino	=	1994 Estima	ii.
and the state of t	Perm.			Perm.		-	Perm.		
	Pos.	λ	WY Amount	Pos.	≩	WY Amount	Pos.	WY Am	Ĕ
Criminal Matters Organized Crime and Narcotics	149	129	149 129 \$13,175	149	129	149 129 \$13,964	149	149 129 \$1	Ś

95. WY Amount 857 794 73,292 -849 784 73,292

Perm.

Summary of Requirements (Dollars in thousands)

Adjustments to base:

Salaries and Expenses Criminal Division

: :

: :

784 -22 762

	Estimates by budget activity	Pe	Po	Narcotics	White Collar Crime		Litigation Support	Management & Administration	Total
1993 App	Antic	erm.	os. WY Amount	149 12	285 261 24,390	179 16	138 13	86	349 78
93 Appropriatio	Anticipated		Amoun	9 \$13,1	1 24,	9 15,6	0,5	9,0	4 73,2
_		Perr			390 19				1
	1994 Baselino	ë.	≯	149 129	239	179 169	138 130	86	8 762
	aselino		Pos. WY Amount	~	25,030	16,624	11,613	9,628	76,859
	19	Perm.	Pos.	149	18	179	8	88	745
	1994 Estimate		۸×	129	227	169	130	92	750
	nate		os. WY Amount	\$13,964	23,880	16,624	11,613	9,628	75,709
	Increa	Perm.	Pos. WY Amount	0	(13)	0	0	0	(13)
	Increase/Decrease		₹	0	(12)	0	0	0	(12)
	rease		nount	S,	(1,150)	0	0	0	(1,150)

C-3

Setaries and Expenses Summary of Change

		WY
1993 as enacted.	57	
	; :	: :
	₩:	-10
١.	849	784
Adjustments to bese:		
Transfers to and from other accounts:		
Transfer from Working Capital Fund		
Total, transfers	:	:
Mandatory Increases:		
1993 Pay annualzation	:	:
	:	
	:	:
Federal insurance Controlled Act.	:	÷
	:	:
	i	:
Postal Equipment Rentel/Maintenance	:	:
Postal Under - Reported Usage	;	:
		:
•	:	:
Eagle maintenance - expired tease costs	:	÷
-	:	:
Distributed administrative support.	:	;
	:	:
Equipment meintenance	:	:
Employee data and payroll services	:	:
General pricing level adustments	:	:
	:	:
Oscresses:		
FTS savings	:	:
1994 Base		784 77,680
Savings to achieve deficit reduction		-22

	9	92 Aot	1992 Aetual	66	Appre	1993 Appropriation Anticipated	1	894 B1	1994 Baseline 1994 Estimate Incresse/Decresse	<u>=</u>	94 Esti	Hate	136	0/000	9019	-1
Estimules by Budget, Activity	Perm.	\$	Pos. WY Amount	Pe B	≩	Perm. Perm. Perm. Perm. Perm. Perm. Perm. Pos. WY Amount Pos. WY Amount Pos. WY Amount Pos. WY Amount	P. S.	≩	Amount	Perm.	≩	Perm. Pos. WY Amount P	P e i	≩	Perm. Pos. WY Amount	٦
Crimbal Mattors	657	7.74	857 774 \$72,601	2	784	\$73,292	758	762	\$76,659	745	8	\$75,709	:3	5	(\$1.4	(20)
															3/	, :

Salaries and Expenses
Base Comparison
(Dollars in thousands)

	1993	Appro	1993 Appropriation										
•		Anticipated	pet		1994 Base	1886		994 B	1994 Baseline	Incre	Increase/Decrease	Crease	
	Perm.			Perm.			Perm.			Perm.			
	8	≩	Pos. WY Amount	ğ	≩	os. WY Amount	8	≽	Pos. WY Amount	8	` X	Pos. WY: Amount	
Criminal Matters													
Organized Crime and Narcotice And Marcotice	149	129	13,175	149	129	13,964	149	129	13,964	0	0	0	
White Collar Crime,	285	261	24,390	285	261	25,851	194	239	25,030	(91)	(22)	(821)	
International	179	169	15,685	179	169	16,624	179	169	16,624	0	0	•	
Litigation Support	138	130	10,957	138	8	11,613	138	50	11,613	0	0	0	
Management and Administration	86	88	9,085	86	92	9,628	88	92	9,628	0	0	0	
Total 849	849	784	73,292	849	784	849 784 77,680	758	762	76,859	(91)	(55)	(821)	

Narrative Description

As this budget is assembled, the new administration has not yet selected an Assistant Attorney General to preside over the Criminal Division. Without the presence of a permanent Assistant Attorney General, it would be unwise for the Division to make decisions on the redistribution of resources when future policies are still unknown. For accounting purposes only, cuts in the 1994 Baseline have been assessed against the White Collar Crime decision unit. The actual decisions regarding the distribution of this reduction will occur once the Department leadership personnel are on-board. Under any circumstance, the base reduction will require reprioritization of programs within the Division, thereby eliminating or reducing those of a lesser priority.

Summary of Resources by Program (Dollars in thousands)

	=	92 as E	1992 as Enacted		1992 Actual	chuel	188	Appropria	993 Appropriation Anticipated	-	994 Ba	1994 Baseline	ž	1994 Estimate	-nai	ing	0	CT 0.280
	Per P	Pos. WY	Amount	Pe 9	¥	Perm Pos. WY Amount	Perm	≨	Pos WY Amount	Perm Pos. WY	¥	Amount	Perm. Pos. WY		Amount	Perm. Pos. WY	≩	Amount
Criminal Matters	1	8	.300.0	3	1		1	8		,	1	1	!	1		,	•	:
White Coller Origin.	28		•	285	2 5	23.071	285	5 5	24.390	4	2 2	25 030	2 5	2 2	23.880	9	5	9
International	-2	169		178	3	14,099	179	169	15,685	179			179	169	16.624	•	•	•
Litioation Support				130		14.190	138		10.957	138		11.613	5	8	11,613	•	0	•
	5	501		\$	5	10,345	8		9,065	3			8	98	9,628	0	•	0
Total 857 79	887	794	-	657	174	\$72,691	849	184	873,292	158	762	-	745	750	\$75,709	(13)	(12)	(\$1,150)
Reimbursable workyears		8		•	780		,	8		•	28		l	25 a		'	(12)	
Overtime		805		•	782		•	792		•	770		ł	758		1	0 2	

• - As this budget is assembled, the new administration has not yet selected an Assistant Attorney General to preside over the Criminal Division. Without the presence of a permanent Assistant Attorney General to would be unwise for the Christon to make decisions on the redistribution of resources when future policies are still unknown. For accounting purposes only, the program decreases have been assessed against the White Collar Crime Decision Unit.

Criminal Division Salaries and Expenses Justification of Program and Performance Activity Resource Summary (Dollars in Thoumands)

increase/Decrease	Pos. WY Amount	0\$ 0 0
1994 Estimate		149 129 \$13,964
1994 Baseline	Perm. Pos. WY Amount	149 129 \$13,964
1993 Appropriation Anticipated	Perm. Pos. WY Amount	149 129 \$13,175

Long Range Goal: To reduce the growth of organized crime and drug trafficking, and increase the number of money laundering prosecutions.

Major Objectives:

Organized Crime and Narcotics

Organized Crime and Racketeering Section

To ensure the investigation and prosecution of all major organized crime groups and activities.

To use innovative investigative and litigative approaches utilizing all appropriate criminal and civil remedies against organized crime.

To set and maintain national goals, priorities and standards in joint program planning and execution by Federal, State and local agencies active in organized crime law enforcement.

Narcotic and Dangerous Drug Section

To assist the Department in its role of improving national and international programs for narcotics law enforcement practices.

To provide support to the OCDETF and HIDTA programs, other multi-agency initiatives, and recusal matters, and to ensure that critical decisions are made collectively and that planning is undertaken on a comprehensive basis.

5.

To increase the depth of knowledge and expertise of litigating unit attorneys and aid ir the identification of several specialized areas of drug prosecution, including anabolic steroid, drug paraphernalia, and precursor and essential chemical cases.

Honey Laundering Section

To develop legislative initiatives to ensure the uniform application of the money laundering statutes and to continue to handle and assist in coordinating and litigating complex, sensitive and multi-district money laundering prosecutions.

To provide guidance, legal advice and assistance to the U.S. Attorneys Office, and all federal law enforcement agencies involved in investigating money laundering offenses.

To assist the Appellate Section in the formulation of positions to be taken in appeals involving money laundering issues.

To coordinate money laundering conferences for law enforcement agencies.

Base Program Description:

Organized Crime and Racketeering

Program resources are directed at those organized crime groups, whether La Cosa Nostra (LCN), Sicilian Mafia, Asian Organized Crime or other emerging groups, which pose the greatest threat to the economic and social well-being of the nation. The Organized Crime and Racketearing Section acts as a strategic reserve of experienced prosecutors to try labor racketearing, RICO and other organized crime cases wherever needed. These lawyers serve to complement the Strike Force Units established in the United States Attorneys offices and provide expertise to those units and other United States Attorneys Offices that are prosecuting organized crime cases. The attorneys are principally used to litigate organized crime cases in the seventy districts that do not have Strike Force Units, and in those districts where those units are very small. They also help the larger Strike Force Units when special subject expertise or emergency assistance is required. addition, these lawyers are available to identify and to target emerging criminal organizations and to develop new methods of prosecution.

Because the existing organized crime case management system remains intact, the Strike Force Unit in each United States Attorney's Office submits proposed case initiations and prosecution recommendations to the Organized Crime and Racketeering Section for approval.

application of national priorities. Under the new National Organized Crime Strategy, the chief priority is La Cosa Nostra activity and affiliated labor racketeering, followed by emerging organized crime groups: Italian-based organized crime groups; (including the Sicilian Mafia, 'Ndraghetta and Camorra), Chinese, and Japanese organized crime groups other emerging organized crime groups are addressed by other Department initiatives or, in exceptional circumstances, by organized crime prosecutorial policies and procedures are guaranteed by the prosecution memorandum approval process and continuous supervisory contacts. Program priorities are set through the Attorney General's organized crime contacts. Program priorities are set through the Attorney General's organized crime contacts and implemented by the Organized Crime and Racketeering Section, which complements the extensive interagency communication in the field on case-related matters with regular assessments of local program effectiveness in each Strike Force city and in Washington, Through the Case Initiation Report approval mechanism,

of Attorney General's Organized Crime Council (AGOCC), which was established in 1990 to oversee the national effort against organized crime. That Council is chaired by the Deputy Attorney General, and consists of the Assistant Attorney General, Criminal Division; the Chair of the Attorney General's Advisory Committee (AGAC); and the head each concerned federal investigative agency. The AGOCC reviews policies, promotes interagency coordination, reviews priorities, and evaluates the threat presented by emerging organized crime elements in order to establish national priorities and to Organized Crime and Racketeering Section also provides staff, as necessary, memorialize a national strategy to combat organized crime.

Narcotic and Dangerous Drug Section

Litigation Unit, the Policy Unit and the Drug Intelligence Unit. The Litigation Unit is responsible for providing direct litigation support to the United States Attorneys throughout the country. The unit also provides litigative support to the Organized Crime Drug Enforcement Task Force and the High Intensity Drug Trafficking Agency programs. The Policy unit drafts domestic and international narcotics legislation, strategies and policy statements addressing topics such as precursor and essential chemical control; anabolic steroids; drug paraphernalia; domestic marijuana cultivation; and death penalty statutes. The Policy Unit also participates in proposing amendments to the Department's Sentencing Guideline Committee. Attorneys assigned to the Policy Unit review requests from the United States Attorneys for authorization to indict and seek the death penalty in The Narcotic and Dangerous Drug Section (NDDS) is comprised of three separate units:

narcotics cases. The Drug Intelligence Unit (DIU) serves as a Legal Counsel to the National Drug Intelligence Center, and as the Executive Secretariat to the Law Enforcement Drug Intelligence Council. Further, the DIU is responsible for program management of all litigation relating to the use of certain classified technologies in narcotic trafficking investigations.

Money Laundering Section

complex, multi-district and international money laundering cases. In addition to participating in domestic and international money laundering cases. In addition to participating in domestic and international money laundering investigations and prosecutions, the Section is responsible for developing nationwide anti-money laundering training, and the supervision and approval of certain prosecutions of money laundering Section leads in the development and implementation of money laundering policy and litigation support. Though its historic base is the national narcotics strategy, the recent inclusion of 89 non-narcotics-based predicate offenses in 80.5.C. 1953 and 1957, expands the Section is work into the White Collar Crime area. This expansion has taken the Section into such disparate areas as environmental crimes and foreign military sales program fraud. Finally, the Section is responsible for dispensing legal advice and assistance to all federal prosecutors and investigators nationwide in The Money Laundering Section (MLS) is charged with the coordination and prosecution of money laundering cases.

Accomplishments and Workload:

Organized Crime and Racketeering Section

The supervisory officials of the Section review and approve all Strike Force Unit Case Initiation Reports, prosecution memoranda, and indictments; requests for electronic surveillance orders; witness immunity orders; and all other substantive and procedural matters with the single exception of travel authorizations for Strike Force Unit attorneys. In addition, the Chief, Deputy Chiefs, and other Headquarters personnel carry out extensive oversight of Strike Force Unit activities through field visits to each field office, and Section personnel continue to prepare and argue appellate briefs in major organized crime and Racketeering prosecutions. In several areas, the workload of the Organized Crime and Racketeering Section will increase in FY 1994. For example, because of the Department's new initiative against abuses in connection with pension and welfare funds, the Labor-Management Unit of the Section is handling a steadily increasing load of cases and matters involving such funds, particularly Multiple Employer Welfare Arrangements, or MEWAs. The Litigation Unit has only recently begun to carry a full case

Also, the Litigation Unit has begun to develop major investigative initiatives on its own, also, the Litigation Unit has begun to develop major investigative initiatives on its own, one of which will involve considerable resources that must be devoted to coordinating the efforts of United States Attorneys offices around the country and training Assistant United States Attorneys in a specialized area. In addition, several attorneys from the RICO Unit have begun to travel to handle cases in the field in order to provide expertise in racketeering prosecutions to trial teams. Finally, the expansion of legalized gambling throughout the United States has led to a significant increase in requests from federal and state law enforcement authorities for opinions with respect to the application of assignments from United States Attorneys. Now that the unit is fully operational, we the time necessary for staffing and training, and for securing federal criminal statutes involving gambling. load, because of

Administration's anti-crime initiatives and the maturing of the Litigation Unit, the RICO Unit recently has been faced with added burdens in its normal day-to-day operations. For example, the current movement for RICO "reform" legislation requires considerable example, the current movement for RICO "reform" legislation requires considerable expenditure of effort by organized crime and Racketeering Section attorneys who analyze legislative proposals. There has recently been a major controversy surrounding the proper application and scope of the RICO forfeiture provisions; this issue will need to be resolved very carefully and monitored closely in years to come. There has been a steady increase in the number of civil RICO actions filed by the government, primarily in cases involving infiltration of labor unions by organized crime. These suits are highly complex, and call for Section attorneys stationed in Washington to expend considerable resources, not just in reviewing the cases before filing, but in monitoring their progress, and dealing with highly complex and novel issues that arise when district courts appoint trustees or other officers to oversee some or all of the affairs of labor organizations.

As liaison to other federal agencies with enforcement and regulatory responsibility in regard to labor and pension-welfare matters, the Labor-Management Unit coordinated the Department's effort with other federal agencies to implement recommendations made by the President's Commission on Organized Crime and has drafted comprehensive legislation which would enact into law seven of the Presidential Commission's proposals and three new statutory initiatives with respect to labor-management racketeering. The Unit also coordinated and monitors on behalf of the Criminal luvision the agency-wide appointment of the Labor Department's labor racketeering investigators as special deputy United States Marshals. Because of the Unit's experience in this latter area, the Section's supervising Deputy Assistant Attorney General frequently requests the Unit's assistance with respect

to the review of deputation requests and analysis of legislation pertaining to the criminal law enforcement authority of other Inspectors General. Concerns raised by the Inspector General's Office, U. S. Department of Labor, concerning employee pension and welfare benefit plans, especially, as noted above, with respect to abuses involving organizations which purport to provide insurance-type benefits to small employers seeking to lower their employee health care costs (MEWMAS), are expected to confront prosecutors with movel issues concerning the scope of the federal laws governing employee benefit plans. Attorneys assigned to the Labor-Management Unit closely monitor and have participated directly in prosecutions regarding these issues. The heightened awareness of abuses in the benefit plan industry has resulted in requests to Unit attorneys for increased participation in investigative training programs conducted by the Department of Labor for its labor racketeering and pension-welfare investigators.

time, prevent emerging organized criminal groups from acquiring a power base. Organized crime in the United States today is a complex tapestry of multiple groups supported, wittimely or unwittingly, by numerous protectors, specialists and associates. In offenses where traditional organized crime families are involved and in cases where emerging groups participate in multiple crimes besides narcotics, the Criminal Division's Organized Crime The Organized Crime and Racketeering Section is required to issue a biennial report to the and Racketeering Section will provide guidance, support and a strategic reserve of experienced prosecutors to complement the United States Attorneys and the Strike Force Demonstration projects regarding Asian organized crime, for Units in those offices. example, will continue.

Since the President's Commission on Organized Crime issued its report on labor-management racketeering in March 1986 and recommended greater use of civil RICO, 13 such lawsuits have been brought by the Department of Justice which seek to remove La Cosa Nostracorrupted parties to labor-management relations. Continuing the Section's successful supervision of the civil RICO program, in nine of those lawsuits, trustees or monitors have been installed to supervise elections of new labor union officers and to oversee the lafairs of labor organizations, including the International Brotherhood of Teamsters, the largest labor union in North America. Headquarters and Washington Staff personnel regularly confer with the court-appointed Investigations Officer concerning continuing efforts to remove the influence of organized criminal elements from the Teamsters Union.

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Narcotic and Dangerous Drug Section

Among the many cases prosecuted by attorneys assigned to the Litigation Unit, several stand out as examples of how the Narcotic and Dangerous Drug Section has followed its stated mission. In <u>United States v. Juan Abrego. et al.</u>, a case tried in the Northern District of Texas, trial attorneys from the Section convicted 17 defendants including a continuing criminal enterprise defendant. This case had been identified by the FBI as their most significant Title 21 investigation. The lead defendant (a fugitive Mexican national) is among the most notorious drug traffickers known to law enforcement authorities. Abrego continues to oversee an extensive international multi-district, multi-ton cocaine smuggling and money laundering enterprise. His organization is known to be extremely violent and is responsible for several homicides on both sides of the border. Related cases have Texas, Houston, New York, High Intensity Drug Trafficking Areas (HIDTA) and elsewhere. The trial in the Northern District of Texas represented the dismantling and destruction of a significant portion of the Abrego organization. The Section involvement in the ongoing produced millions of dollars in forfeitures from the Southern and Northern Districts of investigations will continue.

Operation Treasure Chest, a multi-agency investigation in Puerto Rico, resulted in the seizure of \$22 million in assets. Subsequently, the investigation led to the identification of an underlying criminal enterprise responsible for smuggling multi-ton quantities of cocaine. This organization had direct connections to New York and Philadelphia. The subsequent indictment resulted in the conviction of 25 members of that organization including the ringleader. The Section has recently completed a trial in a "gang" case in Omaha, Nebraska. In <u>United States v. Johnny Ray Butler, et al.</u>, the government charged nine defendants with a variety of drug and money laundering offenses, including a continuing criminal enterprise, which stemmed from a wholesale crack distribution network operated primarily in Omaha. Seven of the nine defendants received convictions. The U.S. Attorney for the District of Nebraska had requested support in the investigation and prosecution of gang-related drug trafficking activity in his district.

Over the last several years, Los Angeles based gangs (the "Bloods" and the "Crips") have invaded Omaha and the surrounding area, bringing to Nebraska the kind of criminal activity ordinarily associated with major urban areas. To deal with this complex problem, the United States Attorney formed a Task Force of federal, state, and local agents and prosecutors. The Section responded to the U.S. Attorney's request for assistance by sending a trial attorney to review the investigative case files and prepare the most

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significant cases for indictment and trial. Another trial attorney from the Section is reviewing another segment of the investigation that will likely result in separate

For FY 1994, the Narcotic and Dangerous Drug Section expects an increase in the number of investigations, prosecutions, and convictions relating to dangerous drug trafficking.

Attorneys assigned to the Policy Unit participated in drafting domestic and international narcotics legislation, strategies, and statements of policy addressing topics such as: precursor and essential chemical control; anabolic steroids; drug paraphernalia; domestic marijuana cultivation; mandatory minimum sentencing; and death penalty statues. Attorneys from the Section represented the United States Government in its role as Chair of the develop effection procedures to prevent the diversion of chemicals used in the manufacture of narcotics or dangerous drug. Attorneys from the Narcotic and Dangerous Drug Section coordinated the efforts of the United States Government in providing assistance, information to representatives of the Republic of Colombia in support of judicial reform and effective investigation and prosecution of international narcotics traffickers in Colombia.

Money Laundering Section

At present, six of the eight line attorneys in the Money Laundering Section (MLS) are either fully or largely committed to investigations and/or prosecutions. During the past year, the Section has:

Participated in <u>Operation Green Ice</u>. In September 1992, a total of 111 persons were arrested in a series of raids in New York, Miami, Chicago, Los Angeles and San Diego, as well as parallel raids in Italy, Canada and the United Kingdom, as part of the coordinated multi-agency takedown of several undercover money laundering operations. More than 120 persons were charged in a series of indictments and criminal complaints brought around the country in the culmination of OPERATION GREEN ICE (a DEA operation originating in San Diego and Los Angeles), OPERATION (a DEA operation originating in New York), and OPERATION CABBAGE FARM (a FBI operation originating in Chicago). During the investigation, undercover agents of the DEA, FBI and IRS posed as money launderers willing to transfer drug money generated in the United States and Europe back to Colombia.

In addition to the arrests, seizures of cash and bank accounts totalling more than \$15 million were made during the takedown, including a \$5 million cash seizure in the United Kingdom, a \$1.6 million cash seizure in Canada, and a \$1 million cash seizure in Canada, the assistance of local authorities, seized more than \$30 million in cash. More than 200 kilos of cocaine were also seized during the raids.

Assisted in the litigation of <u>U.S. v. General Electric Company</u>. In July 1992, General Electric Company, a major Department of Defense contractor, pleaded guilty to charges that millions of dollars were diverted from the foreign military sales program and laundered through Europe. This rivestigation began in late 1990, and relates to the largest fraud involving contracts funded by the U.S. Foreign Military Sales Program. The plea marks the first time that money laundering laws have been used in connection with fraud by a military contractor.

Litigated U.S. V. Morales, et al.: Also in July 1992, the Department obtained a conviction of two individuals for drug trafficking and money laundering through the reinvestment of narcotics profits into aircraft used and maintained for the transportation of narcotics from South and Central America. A jury in the District of Arizona also ordered forfeiture of various assets, including the aircraft.

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Participated in <u>Operation Polar Cap</u>. In November 1991, the Department charged approximately 50 persons as a result of the investigation known as "Operation Polar Cap." Federal grand juries in Providence, Manhattan, Atlanta and Miami returned indictments and a criminal complaint was filed in Los Angeles, which allege that drug money was laundered through companies dealing in precious metals on the East and West coasts. More than \$15 million has been seized.

Successfully prosecuted two individuals in the Eastern District of Virginia -- one imported heroin from Pakistan to the United States, and the other laundered the proceeds through the banking system in Guyana, South America.

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Continued its participation in a major undercover operation involving the retail automobile industry.

Participated in and advised the Multi-Agency Financial Investigations Center

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(MARIC) at DEA Headquarters. The MARIC monitors and coordinates implementation of the Kingpin Strategy, an operation targeting domestic and international criminal organizations that are laundering money generated by the sale of Colombian cocaine.

Published the Money Laundering Federal Prosecution Manual, Volumes I and II. The 358-page manual (with additional appendices), the result of an 18-month effort, is a comprehensive analysis of money laundering, the Bank Secrecy Act, and asset forfeiture. It is the first comprehensive publication of the law on money laundering since an earlier monograph on the Bank Secrecy Act, published in 1983.

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Sponsored and staffed instructional conferences. During the first six months of FY 1992, the MLS, in conjunction with the Attorney General's Advocacy Institute (AGAI), sponsored and staffed two Money Laundering/Asset Forfeiture Conferences (in Miami and Houston).

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			KBCI	KSTIMATES
Item Organized Crime and Recketeering	1881	1992	1993	1994
Section Miscellaneous Items:				
Reviews/Approvals of RICO				٠
Prosecutions and Civil Suits	118	164	164	164
Other Consultations/Approvals/	•			
Legal Advice for U.S. Attorney	358	396	400	400
Advice to Others (Agencies,				
Citizens, etc.)	408	505	505	505
Congressional Matters:				
Bill Analyses/Reports	11	53	53	53
Preparation of Testimony	ങ	ស	ഹ	ß
Drafting of Legislation	N	7	74	~
Responses to Inquiries	29	22	22	22
Document/Data Compilation (FOIA)				
and Labor Conviction Tracking)	148	166	166	166
Preparation of Training Materials	12	8	æ	æ
Appellate Briefs	10	10	30	30
Case Initiation Reports Reviewed	220	200	200	200
Prosecution Memoranda Reviewed	96	220	380	380

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Item	1991	1992	1993	Ketimater 93 1994
Organized Crime and Racketeering Section Miscellaneous Items (cont.d) Other Case-Related Review Functions by Deputy Chiefs	250	425	. 99	089
	i !		•	! !
Organized Crime & Racketeering Section Matters:				
Pending, beginning of year	16	27	37	47
Opened	18	15	50	50
Closed	7	ĸ	10	10
Pending, end of year	27	37	4.7	57
Organized Crime & Racketeering				
Section Cases (lead prosecution):	;	,	1	;
Pending, beginning of year	# :	18	27	37
Opened	15	13	52	52
Closed	s S	10	13	12
Pending, end of year	18	27	37	47
Disposition of defendants				
in Organized Crime & Racketsering				
Section cases litigated:	;	i		•
Convictions	56	23	75	75
Acquittals/dismissals	11	10	15	13
Other dispositions (transfers to				
U.S. Attorneys, deaths)	-	-	n	e
Strike Force Matters Reviewed				
and Approved:				
Pending, beginning of year	538	718	874	874
Opened	255	200	200	200
Closed	75	44	200	200
Pending, end of year	718	874	874	874

			Bati	Estimates	
	1881	1992	1993	1884	
STILKS FORCE CARES REVIEWED and Approved:					
	252	340	460	530	
Opened	152	220	230	230	
Closed	64	100	160	160	
:	340	460	530	009	
Narcotic and Dangerous Drug Section Matters:	;	i	;	;	
Pending, beginning of year	25	3	30	23	
Opened	36	12	16	18	
Closed	34	36	53	25	
Pending, and of year	5 4	စ္တ	23	91	
Narcotic and Dangerous Drug Section Cases (lead prosecution): Pending, beginning of year. Opened. Closed. Closed.	93 74 75 86		28 13 13 13	330 310 310	
Disposition of defendants in Narcotic and Dangerous Drug Section cases liticated:	, ,	ç	ő	Ş	
•••••••••••••••••••••••••••••••••••••••	3	?	h 7	?	
Acquittals/dismissals	N	:	:	:	
to U.S. Attorneys, deaths)	က	:	:	:	
Narcotic and Dangerous Drug Section Miscellansous Items					
Appellate Matters	41	84	62	89	
Legal Advisory Matters Review/Approval (Statutory,	640	652	864	971	
Regulatory, U.S. Attorneys' Manual)	39	102	133	146	

						Increase/Decrease Perm. Pos. WY Amount (13) (12) (1,150)
Betimates 93 1994	58	0 6	200	515	750	1984 Estimate Perm. Pos. WY Amount 161 227 23,880
BET 1993	50 10	0 6	200	515	750	1000 030
1992	22	50	8 9 9	415	10 10	1984 Baseline Perm. Pos. WY Amount 194 239 25,030
1881	10	2 5 4	7 8 6 7 8 7	249	751	ا ا
Item Narcotic and Dangerous Drug Section	Miscellaneous Items (cont'd) Matters Monitored	Money Laundering Section Cases [lead prosecution]: Pending, beginning of year	Closed	Money Laundering Section Matters Handled	Money Laundering Saction Matters Assisted	1993 Appropriation Anticipated Perm. Pos. WY Amount Pos. WY Amount 285 281 24,390

Attorney General to preside over the Criminal Division. Without the presence of a permanent Assistant Attorney General, it would be unwise for the Division to make decisions on the redistribution of resources when future policies are still unknown. For assessed against the White Collar Crime decision unit. The actual decisions regarding the distribution of this reduction will occur once the Department leadership personnel are onboard. Under any circumstance, the base reduction will require reprintization of priority.

Long Range Goal: To improve integrity in the Government, reduce the incidence of fraud, enforce exportation and obscenity law, and maximize the use of federal statutes to achieve prolonged incarceration of offenders.

Major Objectives:

Public Integrity Section

To oversee the Federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government; to handle all matters involving alleged misconduct by Federal judges; and to conduct inquires and preliminary investigations pursuant to the statutory procedures concerning appointment of independent counsel.

To establish and maintain liaison and effective exchange of information with the federal law enforcement community including the U.S. Attorneys' Offices, FBI, Inspector General offices and other Federal law enforcement personnel. This exchange of information includes training, advice, and consultation on effective investigation and prosecutorial approaches.

To supervise the investigation and prosecution of conflicts of interest and election

Fraud Section

To conduct major criminal investigations and prosecutions of fraudulent schemes against individuals, institutions and the United States Government.

To assist in the formulation of prosegutorial policies that will identify recurring illegal schemes and devise new practices and procedures for minimizing opportunities for criminal conduct. To develop and enhance local, state, federal and international law enforcement cooperation in preventing fraud schemes.

Child Exploitation and Obscenity Section

To identify the major offenders of child exploitation and obscenity statutes, and to prosecute cases of national scope and coordinate prosecutions with U.S. Attorneys'

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To educate law enforcement personnel and U.S. Attorneys' Offices on the law, in order to sensitize them of the need to fully enforce federal child exploitation, child sexual abuse, obscenity laws, and to prosecute alleged offenders.

To assist the U.S. Attorneys' Offices in investigating and prosecuting offenders and to provide attorneys who have the requisite specialization in these sensitive high profile areas of the law.

General Litigation and Legal Advice Section

To develop and implement enforcement programs in certain key statutory areas where special requirements indicate the need for centralization. To coordinate and participate in crime resistance programs, including the encouragement of voluntary involvement by corporations and individuals in the private sector in crime resistance efforts.

To defend civil suits seeking to obtain information on or to interfere with criminal justice activities and national security operations.

Base Program Description:

Public Integrity Section

The Public Integrity Section has the general respons bility for overseeing the Federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section is also responsible for supervising the handling of investigations and prosecutions of conflicts of interest and election crimes. The Section's litigators prosecute selected cases against Federal, State and local officials, and are available as a source of advice and expertise to prosecutors and investigators nationwide. The Section supervises the administration of the Independent Counsel Reauthorization Act of 1987, reviewing each matter arising under the Act, conducting any necessary preliminary investigation, and providing a recommendation to the Attorney General as to Whether an independent counsel is necessary. In addition, as a hatorney General se to Whether an independent counsel is necessary. In addition, as a national headquarters office, the Section provides extensive training to Federal prosecutors and investigators, and serves as a source of advice and expertise with respect to issues regarding public corruption investigations and prosecutions.

Fraud Section

The Fraud Section Compares of the water interior interior Fraud, Designate of Corporate Fraud Section factor is to investigate and prospected major criminals involved in complex frau. *Institution fraud. The primary function of the Fraud Section is to investigate and prospecture major criminals involved in complex frau. *Institutions and the search schemes. Hany of these schemes involve individuals, institutions and the United States Government. In the area of financial institution fraud, the Section bas established its Dallas Regional Office as required by Section 955 of the Financial Institution Reform Recovery and Enforcement Act of 1989 (FIRREA), the New England Bank Fraud Task Force, and the San Diego Bank Fraud Task Force. Other areas of special emphasis are fraud in the securities and commodities markets; fraud involving government benefite, contracts and long such as those administered by HUD; insurance fraud, non-labor union pension fund fraud; international white collar criminals. The DPFU is responsible for fraud activity of product substitution, defective products, cost mischarging and kickbacks that endanger the lives or safety of the troops, or seriously impact on the ability of the Armed Sarvices to carry out its mission. In February 1992, the Attorney General announced a revitalization of the enforcement effort against health care provider fraud. Health care provider fraud is one of the Artconey General is highest priorities. In recognition of the unforcement Fir and in value and of the enforcement. United States Attorneys offices around the country have devoted resources in aid of the enforcement effort. The Palemarketing fraud is a method for committing economic crime which transcends several substantive areas, and can be used to commit bank fraud, health care provider financial order financial orimes. of five units: Financial Institution Fraud, The Fraud Section consists

Child Exploitation and Obscenity Section

The four major substantive areas within the jurisdiction of the Child Exploitation and Obscenity Section (CEOS) are: obscenity; child exploitation; child sexual abuse; and special civil matters. Obscenity deals with the sale of obscene matter on federal property, using the U.S. mail system to disseminate obscene matter, interstate transportation of obscene matter, broadcasting obscene matter, dial-a-porn, engaging in the business of selling obscene matter, criminal obscenity forfeiture, RICO obscenity cases involving enterprises which engage in a pattern of obscenity crimes, and obscenity based money laundering. Under federal statutes, child exploitation deals with the

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possession, manufacture, and distribution of child pornography, the unlawful selling and buying of children, as well as criminal and civil child pornography forfeiture. Child sexual abuse deals with rape, aggravated sexual assaults, and sexual abuse of children on federal land or under federal jurisdiction. Special civil matters deal with civil forfeiture actions as well as assisting with the defense of civil suits against the Department.

General Litigation and Legal Advice Section

Sections (GLA) are: computer crime, crimes against the public, crimes against government operations, regulatory enforcement, post-conviction and special matters, and special civil matters. Computer Crime includes the development and enforcement of statutes directed at computer crime and other statutes violated by the use of computers. Crimes Against the Public includes riot, fugitive felons, motor vehicle theft, false identification crimes, interatate transportation of stolen property, and offenses on Federal or Indian reservations or on the high seas. Crimes Against Operations or Federal or Indian reservations or on the high seas. Crimes Against Covernment property, counterfeiting, postal depredations, obstruction, perjury, false personation, and immigration offenses. Regulatory Enforcement relates to violation of criminally enforceable regulations which have been promulgated by such agencies as the Departments of Agriculture, Commerce, Interior, Labor, State, Transportation, and Health and Human Services, as well as, the Nuclear Regulatory Commission. These violations most frequently pertain to the protection of health, safety, and welfare. Included among these areas of regulation are offenses related to the Knowing mishandling of nuclear materials, and flagrant breaches of mine occupational safety standards. This area includes trademark, copyright, customs, and industrial aspienage violations. Post-Conviction and Special Matters relates to the Commission (habeas corpus, coram nobils, etc.). It also encompasses the administering of the partial approach partial and the protection of commission (habeas corpus or procedures of, the Bureau of Prisons or Parcie Commission (habeas corpus of the protection of the protection of the partial partials and the protection of the partial partials and the protection of the protec Federal statutes pertaining to juveniles, mental competence, sentencing, prisoner transfer treaties, detainers, and prison offenses. <u>Special Civil Matters</u> includes the defense of civil injunctive actions instituted against the government or its agents as a result of steps taken, or allegedly taken, in the course of criminal or national security The six major substantive areas addressed by the General Litigation and Legal Advice investigations.

Approximately two-thirds of all Federal Criminal statutes are assigned to the GLLA program. In priority or sensitive criminal areas, the program serves as an enforcement entity. The Section prosecutes and assists in the prosecution of cases, and coordinates with the various U.S. Attorneys Offices and investigative agencies.

Public Integrity Section

The workload for the Public Integrity Section has increased steadily over the last several years. Contributing to the increase was a change in the Independent Counsel statute to require that many more matters be processed under the statute. Most of the Public Integrity Section's resources are devoted to the prosecution of public corruption cases. During 1991, the Federal effort to combat public corruption resulted in over 1,200 convictions. Maile the wast majority of corruption uses prosecuted federally are handled by the United States Attorneys and their assistants; the Public Integrity Section is responsible for handling specific cases posing special problems. In addition, the Section provides a wide range of formal and informal assistance to U.S. Attorney offices. In 1991, the Section itself closed over 200 matters, and obtained over 35 convictions in public corruption cases. In some cases, the Section helps to ensure fairness and investigations involving Federal judges because of the obvious conflict of interest and problems that would be created by a United States Attorney's office that investigates, and may prosecuted ascent by a United States District Judges Robert F. Collins.

Fraud Section

Fraud Task Force which was announced by the Attorney General in February 1991, and commenced operations in May 1921. The Section also established a San Diego Task Force in May 1992. The Dallas Regional Office Bank Fraud Task Force began operation in October 1987 and continues to be the Department's flagship in financial institution fraud prosecutions, having secured more indictments and convictions than any U.S. Attorneys Office: 190 indictments and 140 convictions. An important accomplishment of the Fraud Section is the operation of the New England Bank

Insurance/Pension Fraud: Congressional and media reports show that insurance company insolvencies have jumped and that two-thirds of the insolvencies were the result of fraud. Insurers in the United States have assets of \$1.75 trillion and are largely under-regulated. Insurance company failures victimize many categories of American people, including pensioners whose annuities are held by insurance entities. In February 1991, the Economic Crime Council established insurance

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fraud as a special emphasis area for enforcement. The Department has formed an Insurance Fraud Working Group to develop private sector and state cooperation, establish a better approach to the criminal cases, and create training programs. In April 1991, the Department held an Booncaio Crime Training Conference in Which over 200 federal prosecutors received training in the prosecution of insurance fraud. The Fraud Section of the Criminal Division has two people working in the area of insurance and relisiurance fraud. In FY 1993, it is anticipated that 90 PBI Agents will receive training in investigating insurance fraud. Several districts have active Task Forces prosecuting insurance fraud.

- Defense Procurement Fraud: Twenty-seven of the 100 largest Department of Defense (DDD) contractors have been convicted of procurement fraud in the last seven years, some more than once. These convictions include payoffs to obtain confidential Pentagon documents; overcharging the government; and failing to test certain weapons components or flaisfying the test results. In the three year period ending September 30, 1991, there were 2,131 indictments, 1,798 convictions and 407 civil settlements, resulting in the payment of \$193 million in civil settlements. The Defense Procurement Fraud Unit (DPFU) participation in the payartment of Defense Voluntary Disclosure Program has grown, and is continuing grow larger. As of January 1, 1992, over \$133.6 million has been recovered by DOD under the program. In a case involving cracked connectors, Platt Manufacturing Company pleaded guilty to mail fraud and agreed to pay \$420,000 in fines and danages for fulsifying test certifications for parts used on aircraft catapult launching systems. The total fines and civil settlemente Fraud Unit in FV 1992 were \$55.5 million. The Complex Corporate Fraud Unit recently obtained a plea from General Electric in connection with Israel Foreign Military Sales bribes in which a \$9.5 million fine and a \$59.5 million civil settlement was entered.
- BCCI and White Collar Crime: The Department's investigation into the Bank of Credit and Commerce International (BCCI) was initiated by Customs agents in 1986 in Tampa, Florida, and in 1990 resulted in the conviction of the bank and five of its executives on money laundering charges. The bank paid what was, at that time, the largest criminal forfeiture ever paid by a financial institution, \$15 million. •

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¹ Statistics are provided by the Department of Defense Inspector General.

BCCI executives. On September 5, 1991, an indictment was filed in Tampa against BCCI executives. On September 5, 1991, an indictment was filed in Tampa against BCCI's president and other senior officers. On November 15, 1991, the Department brought an indictment in the District of Columbia naming the BCCI bank as a defendant. On December 19, 1991, the Attorney General announced the filing of new charges against BCCI that supersede the November 15, 1991 charges. BCCI agreed to plead guilty to those charges and all other federal and state charges. New federal charges in the BCCI investigation were discovered, and these charges led to racketeering indictments against BCCI under the organized origing racketeering acts involving fraud, money launder the organized originacy. On January 24, 1992, the Court accepted the guilty ples of those defendents has part of the ples agreement, BCCI defendents forfeited all of their assets in the United States, which totalled \$550 million. On July 29, 1992, Clark Clifford and Robert Altman were indicted on a variety of counts resulting from their role with BCCI and First American Bank. The trial for Robert Altman began on March 15, 1993. Clark Clifford's trial will begin June 1, 1994 in Washington, D.C. authorities, acting on evidence supplied by the Department, also convicted two British The five executives received jail mentences of up to 12 years.

In addition to its prosecution of the BCCI cases, the Fraud Section actively engages in coordination and training against other white collar orimes. Through a variety of working groups and similar organisations, the Section gathers information to assist the Department in implementing White Collar Crime policy. These working groups cover fraud dealing with financial institutions, telemarketing, health care, securities and insurance/pension plane. Training Assistant U.S. Attorneys and federal law enforcement agents in the intricactes the field is an important part of carring out the Attorney General's priorities. This is done through the Economic Crime Council Enforcement Conferences, the working groups noted above, the Attorney General's Advocacy Institute, the Federal Law Enforcement Training Center, and by the law enforcement agencies for which the Section provides instructors.

Enhanced Health Care Fraud Initiative restated the scope of the problem: \$200 billion in Federal expenditures and \$738 billion in overall expenditures, with a General Accounting Office estimate of \$50 billion of fraud and abuse. A twelve city project was announced for the United States Attorneys and FBI, who will be working in conjunction with the Criminal, Civil and Antitrust Divisions. The The February 3, 1992 Report to the Attorney General on the Health Care Fraud: •

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project is a result of a study by the Economic Crime Council. The FBI has reprogrammed 50 agents for a total of 96 dedicated agents for the project; 110 Assistant United States Attorneys are also dedicated to the project. Four people in the Health Care Unit of the Fraud Section of the Criminal Division and 22 Civil Division people will coordinate and litigate matters. The Professions and Intellectual Property Section of the Antitrust Division will also continue to investigate the activities of health care providers, purchasers and insurers.

Financial Institution Fraud:

The Department continues to wage a vigorous campaign against those responsible for the collapse of savings and loan institutions, now estimated to cost as much as \$500 billion. The Special Counsel for Financial Institutions Fraud (FIF), serving within the Office of the Deputy Attorney General, has been coordinating the national effort. In major savings and loan matters for the period October 1, 1988 through December 31, 1991, the Department reported 584 indictments and had information charging 992 defendants with violations involving losses of \$10.5 billion. The conviction rate is 92%, 79% of those convicted have gone to prison some for as long as 40 years. The Dallas Bank Fraud Task Force has charged 180 defendants and secured 140 convictions since its inception in 1987. Since 1989, it has seized over \$1.8 million in assets. Courts have ordered fines and restitution in excess of \$31 million in cases it has brought. The neture of the investigations involve officers and directors of failed institutions with losses over \$1 million and focuses on individuals, institutions and transactions that usually lead to other individuals, institutions, and transactions in May 1991, the Department established a similar to task force in New England; another task force was established in San Diego in May 1992.

several substantive areas. Telemarketing can be used to commit bank fraud, health care fraud, insurance fraud, and other financial crimes. An interagency working group has been recently formed in order to formulate the most efficient approach to this law enforcement problem. Telemarketing: Telemarketing is a special emphasis area for purposes of economic crime enforcement. It is a method for committing economic crime which transcends several substantive areas. Telemarketing can be used to commit bank fraud, health Telemarketing:

Complex Corporate Fraud: The Workload of the multinational prosecutors is increasing. One current example is illustrative: an investigation of a major U.S. firm has led to the opening of five additional investigations. Negotiations to reach a global disposition of the matter against the original corporation --•

with an expected criminal fine and civil settlement in the range of \$50 million -- and prosecution of individual defendants is being readied, but with extensive work by several attorneys. (A plea and \$3 million fine/restitution amount has been agreed upon by one individual.) Matters of this magnitude are increasing.

Child Exploitation and Obscenity Section

An important accomplishment under the reorganization of the Criminal Division was the transfer of several statutes dealing with child sexual exploitation and abuse from the General Litigation and Legal Advice Section to the Child Exploitation and Obscenity Section (CEOS). Under the reorganization, Chapters 23, 18 USC 3509 (Witnesses); Chapter 17, 18 USC 2423 (Transportation of Illegal Sexual Activity); Chapter 109A, 18 USC 2241 (Sexual Abuse and Aggravated Sexual Abuse of Children Under 12) and 18 USC 2243 (Sexual Abuse of a Minor) were transferred to the Child Exploitation and Obscenity Section.

Since the Section's inception in 1987, it has obtained 116 convictions involving more than \$23.5 million in fines and forfeitures for the Government. This figure does not include the value of 12 businesses forfeited to the Government in April 1992 by Reuben Sturman, who pleaded guilty to RICO and Obscenity charges in Los Angeles. He received a four-year core pernography in Las Vegas, Reno, and San Francisco. The continuing investigation into the Los Angeles-based producers and national distributors of hard-core videos and magazines has resulted in 36 searches by the Federal Bureau of Investigation (FBI) and the Los Angeles Police Department. The searches have revealed a supply network from coast to coast that involves most of the country's obscenity outlies. Thus far, the investigation has led to 18 convictions, with other cases awaiting prosecutive action. In April 1992, Indiana, pleaded guilty to federal obscenity charges and forfeited \$3.5 million to the government. It is the largest forfeiture pursuant to an obscenity plea in the history government. It is the

Under Project Postporn, the Department and the Postal Inspection Service have prosecuted the mail-order end of the obscenity industry. Thus far, this project has resulted in 50 convictions in 24 cases spanning 20 districts. Section attorneys are assigned to each case, serving as lead countselound. Most of the mail-order obscenity companies prosecuted have cased distributing obscenity, but numerous unprosecuted, alleged violatores continue to mail obscenity in violation of Federal statutes. The child Exploitation and Obscenity Section has recently obtained a number of important convictions

in the area of child exploitation. In August 1991, three defendants pleaded guilty in New Hampshire to child pornography and obscenity charges, in what was the largest child pornography case of its kind in the New England region in the last decade. The FBI and the Postal Inspection Service conducted five searches in four New England states, uncovering evidence of both a New England pornography enterprise and of sources of child pornography enterprise and of sources of child convicted in Phoenix, Arizona, on five counts of aggravated sexual assault of a minor, resulting in a 17-year sentence. This was the first case to be tried by a Section attorney under the new jurisdiction over child exploitation on Federal lands. Also in December 1991, Roberto Rosales, a school teacher on a U.S. Military Base in Puerto Rico, was convicted of four counts of child sexual abuse by a CEOS attorney.

General Litigation and Legal Advice Section

During the first four months of 1992, Section attorneys handled five criminal cases in the courts of appeals and 12 civil cases in the district courts and courts of appeals. As of March 1992, Section attorneys handled 483 legal advice assignments (such as commenting on legislation, responding to Congressional inquiries, and reviewing requests to prosecute juveniles as adults). Computer Crime Initiative. In September 1991, a discrete Computer Crime Unit was established in the Section. The computer crime initiative is a priority of the Economic Crime Council as announced by the Attorney General. Computer crime is one of the "slumbering giants" of criminal activity, along with insurance fraud and health care fraud. The Section is devising a nationwide strategy for dealing with the rising incidents of computer crime; supplying technical and legal expertise to U.S. Attorneys of fices; litigating cases that, due to their multi-district nature of legal importance, warrant our participation; proposing legislative changes to remedy defects in existing legislation; devising and presenting training programs to educate attorneys working in the computer crime area; and working with the Office of International Affairs and State Department to develop an international response to the problem. As resistance is often the most cost effective way to reduce crime, section attorneys are working with members of industry, particularly telecommunications carriers and computer security professionals, to promote computer security.

Indian Gaming. At the direction of the Attorney General, the Section has undertaken an initiative aimed at enforcement in the area of illegal gaming on Indian reservations. The objective is to close down those tribal operations that are not in conformity with the Indian Gaming Regulatory Act enacted in October 1988.

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الماري الرابع الرابع الرابع Other Litigative Actions. Section attorneys convicted Leonard F. Wodtke in the Northern District of Iowa of making false statements to the Internal Revenue Service (IRS) resulting from Wodtke's filing of false IRS 1099 forms. The forms falsely represented that IRS employees, a U.S. mag'strate, a Deputy U.S. Marshall, a former U.S. Attorney, and a former Iowa sheriff had been paid significant amounts of income. Wodtke was sentenced to Months imprisonment. Section attorneys also convicted William T. Wuliger, an attorney in the Northern District of Ohio, for disclosing and using the contents of illegally intercepted telephone converations in acivil case. In addition, a Section attorney and an Assistant United States Attorney in the Eastern District in Virginia have obtained three guilty pleas resulting from an investigation into an allegation that the radio portion of cellular telephone calls of numerous individuals were intercepted, including, among others, then Virginia's Lt. Governor L. Douglas Wilder and U.S. Senator Charles R. Robb. Additionally, a Section attorney obtained a summary dismissal of a declaratory judgment action seeking to have the Federal Gambling Act declared unconstitutional and the United States enjoined from prosecuting plaintiffs under the Act. Section attorneys were also successful in a mandamus petition to quash four subpoenss directed to present and former Government employees, including an Assistant National Security Advisory.

1 + +	1001	6001	Retinates	nates.	
	727	7227	7227	1777	
Public Integrity Matters: Pending, beginning of year	211	127	160	193	
Opened	171	208	208	208	
Closed	255	175	175	175	
Pending, end of year	127	160	193	226	
Public Integrity Cases (lesd prosecution):					
Pending, beginning of year	15	14	33	33	
Opened	53	48	40	9	
Closed	30	53	40	•	
Pending, and of year	14	33	33	33	

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Item Disposition of defendants in Public Integrity cases	1881	1992	1993	1993 1994
Convictions	32	26	9	07
Acquittals/dismissals	:	:	:	:
Fraud Matters:			ć	ć
renaing, beginning or year	767	212	767	653
openedo	129	222	100	110
Closed	74	142	153	163
Pending, end of year	212	292	239	186
Fraud Cases (lead prosecution):				
Pending, beginning of year	89	89	93	120
Opened	. 25	94	100	110
Closed	25	67	75	80
Pending, end of year	68	92	120	150
Disposition of defendants in Fraud cases liticated:				
Convictions	.72	100	125	130
Acquittals/dismissals	18	17	15	15
Other dispositions (transfers				
to U.S. Attorneys, deaths)	:	:	:	:
Court Oldsted Fines/Restruction/ Forfeitures/Settlements				
(In million of dollars)	228	933	230	230
Child Exploitation & Obscenty Matters:				
Pending, beginning of year	69	102	206	256
Opened	62	323	350	390
Closed	29	219	300	390
Pending, end of year	102	506	256	256

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Item	1991	1992	Estimate 1993 19	1994
Child Exploitation & Obscenity Cases (lead prosecution):				
Pending, beginning of year	80	25	34	39
Opened	19	11	15	50
Closed	~	7	10	50
Pending, end of year	25	34	39	39
Disposition of defendants in Child Exploitation & Obscenity cases litigated:				
Convictions	19	35	30	35
Acquittals/dismissals		:	:	:
to U.S. Attorneys, deaths)	:	. 10	01	01
Litigation Matters:	ŭ	ć	ć	;
Conding, Deginiting of year	0 C	ה מ ה	א כי	1 (
	3 Y	, ,	9 4	2 2
Pending, end of year		9 6	4 4	4
lead begi		8 O 9 9	16 10 15	15 16 21
Disposition of defendants in General Litigation & Legal Advice cases litigated:		;	;	!
CONVICTIONS	:	37 8	4 5	47
Other dispositions (transfers to	:	•	2	:
U.S. Attorneys, deaths)	:	-	m	ĸ

	Increase/Decrease	Perm.	Pos. WY Amount	0 0 0
	1994 Estimate		Pos. WY Amount	179 169 16,624
	1994 Baseine	Perm.	Pos. WY Amount	179 169 16,624
1883 Appropriation	Anticipated	Perm.	Pos. WY Amount	179 169 15,685

International

Long Range Goal: To provide legal assistance and central coordination necessary to maintain effectiveness of federal criminal law enforcement in the areas of national security, foreign relations, counter-terrorism, and to locate, investigate, denaturalize and deport individuals who concealed activities committed during World War II involving prosecution of others in order to gain entrance to the United States.

Major Objectives:

Office of International Affairs

To guide federal and state authorities in returning fugitives from abroad, and in obtaining evidence and legal assistance from foreign governments.

To represent, or supervise the legal representation of, foreign governments' extradition and evidence requests in U.S. courts.

To negotiate treaties and other agreements that facilitate transfer of prisoners, extradition of fugitives and acquisition of evidence, and improve the administration of justice across international boundaries.

To cooxdinate the Department's policy on international law enforcement matters with other government agencies, principally the Departments of State and Treasury.

To promote effective international legal cooperation through a comprehensive training program both in the United States and abroad.

Internal Security Section

To develop, implement and coordinate investigative and litigative strategies in the area

of national security.

To supervise all prosecutions involving the Neutrality statutes, the Espionage statutes, the Arms Export Control Act, the Export Administration Act and the Classified Information Procedures Act (CIPA).

To administer and enforce the Foreign Agents Registration Act (FARA) and provide legal support to all Federal investigative agencies engaged in national security matters.

Office of Special Investigations

To identify all alleged war criminals living in the United States and seek to denaturalize and/or deport them. To prevent entry of Nazi persecutors into the United States.

To develop and maintain working relationships with foreign governments having information relating to the activities of suspected Nazi war criminals.

To assist foreign governments in extradition of Nazi war criminals.

Terrorism and Violent Crime Section

To investigate and prosscute federal offenses related to international acts of terrorism.

To provide legal advice and guidance, as well as litigative support, to U.S. Attorneys' Offices involved in violent crime/gang prosecutions.

To develop, implement, and coordinate Department initiatives, such as Project Triggerlock, in the areas of violent crime and terrorism.

To prosecute major violent crime cases which, due to recusal or the complexity of the case, cannot be handled by the local U.S. Attorney's Office.

Base Program Description

Office of International Affairs

The Office of International Affairs (OIA) is responsible for Mutual Legal Assistance Treaties and international extradition. Under the authority of the Mutual Legal Assistance Treaties (MLAIS), the Office opens channels of communication with foreign

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International extradition returns fugitives to the U.S. by extradition. The Office of International Affairs links numerous foreign and domestic entities, including foreign Justice/Interior Ministries, police, Embassies in Washington, the Departments of State and Treasury, other components of Justice, INTERPOL, and federal and state prosecutors. governments to obtain investigative assistance and evidence from other countries.

To assure that extradition requests submitted by the United States meet the requirements of the treaties and foreign law, the Office advises federal and state prosecutors on preparing outgoing requests and reviews all extradition requests made by the United States. With respect to incoming extradition cases (i.e., those made by foreign governments), the Office promotes consistent respectation either by litigating them itself or supervising their litigation by United States Attorneys. Similarly, to assure that requests submitted by the United States seeking evidence from foreign countries under MLATS meet the requirements of the applicable treaty, the Office of International Affairs, acting as the United States Central Authority under the treaties, advises federal and state prosecutors on the preparation of all such requests and made of International Affairs representation by foreign governments of United States evidence assistance requests, the representation by foreign governments of United States evidence assistance requests, the representation of foreign evidence assistance requests or supervises the representation of, foreign evidence assistance requests before united States courts.

Internal Security Section

The four major areas of the Internal Security Section (ISS) are: Espionage Unit, Export Unit, Graymail Unit and Registration Unit. The Espionage Unit provides legal advice and guidance to the investigative and intelligence communities in the development of cases for prosecution and directs support to the United States Attorneys' Offices when prosecution is undertaken. The Export Unit works closely with investigative agencies and the United States Attorneys' Offices to develop and prosecute cases under the Arms Export Control and the Export Administration Acts. Under these statutes, the Executive Branch controls the export of military and strategic items and technology by requiring a validated license for their exportation. The Graymail Unit is consulted in any criminal case involving the possible disclosure of classified information in litigation, and furnishes legal advice concerning use of the Classified Information Forcedures Act (CIPA) to United States Attorneys, the Department, and other components of foreign governments and entities, supervising investigations, conducting inquiries, inspections, and all Foreign Agents Registration Act (FARA) related criminal and civil litigation.

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Office of Special Investigations

The Office of Special Investigations (OSI) is responsible for implementing U.S. law enforcement policies, investigations, and prosecutions of individuals who assisted in persecuting people because of race, religion, national origin, or political opinion. Many of these people were admitted as aliens or became a denaturalized citisen of the United States. The activities of the Office include historial research, investigations, witness interviews in the United States and abroad, and denaturalization/deportation witness interviews in the United States resident to an allegation or suspicion of work: (1) matching the name of a United States resident to an allegation or suspicion of war crimes, and opening an OSI file on that person; (2) investigation of suspects; (3) litigation; and (4) appeals of judgment or other final orders.

Terrorism and Violent Crime Section

The Terrorism and Violent Crime Section (TVCS) is responsible for providing legal advice and guidance, as well as litigative support, to U.S. Attorneys' offices involved in violent crime/gang prosecutions. The Section provides advice and guidance on federal firearms statutes that are used to achieve prolonged incarceration of armed criminals. TVCS has published, and updates, a federal firearms manual that addresses the issues that arise in firearms prosecutions. The Section conducts training conferences on violent crime/gang prosecutions and handles matters in the firearms area in coordination with the Appellate Section directly handles major crime cases which, due to recusal or the complexity of the case, cannot be handled by the local U.S. Attorney's

In the areas of international terrorism, the Terrorism and Violent Crime Section investigates and prosecutes federal offenses resulting from acts of terrorism and must be prepared to respond quickly when terrorist incidents occur or when defendants become available in cases that have been indicted. In terrorism cases involving the hijacking of U.S. flights; the bombing of U.S. embassies, clubs, and persons; and the abduction and murder of U.S. citizens abroad; Section attorneys provide legal advice to investigators, prepare in coordinating the investigations, and, in conjunction with a U.S. Attorney, prepare and prosecute cases. At the programmatic level, Section attorneys develop legislative initiatives and coordinate strategies with other executive branch agencies. The strategies are designed to deter terrorist activities and violent crime.

Accomplishments and Workload:

Office of International Affairs

The current Office of International Affairs workload data reflects a high percentage of matters and cases pending because some fugitives have not been located and interim legal proceedings have not been concluded. The demand for the United States to effect relations with law enforcement authorities in foreign countries prompted the Division to seek resources to increase the size of the Office of International Affairs. The Office of satororneys handled over 2,200 international cases in 1991. The bulk of the work involves natcorneys have experience with a particular region or country of the world, many are former prosecutors, some speak the language of the countries with which they deal, and others have lived and studied overseas. The attorneys use these talents to bridge the gap between the needs and concerns of federal and state prosecutors, whose cases often rely on evidence from abroad. Old guides prosecutors through the complex process of extraditing fugitives, advises the Attorney General on international matters affecting criminal law, helps to negotiate law enforcement treaties, and works closely with the Department of State, the Treasury, Interpol and other agencies on the growing number of cases that affect international relations. Some major accomplishments of the Office are as follows:

REGIONAL INITIATIVES

Asian Organized Crime Conference. The Department drew on the Office's contacts to set up the Asian Organized Crime Conference, a pioneering conclave hosted by the Attorney General in September-October 1991. The conference, held in San Francisco, brought together senior law enforcement officials from ten foreign jurisdictions to discuss emergent problems in the Pacific rim and to plan new regional methods of cooperation.

a model law to regulate precursor chemicals which are used in the production of controlled substances. In 1991-92, the Office delegated help to CICAD to draft model regulations implementing these statutes. The Office of International Affairs has contributed staff support for the annual meetings of the Binational Commission, a forum established in 1984 for dialogue between senior officials of the Department and their counterparts in Mexico. In 1989, under the auspices of the Binational Commission, Mexico and the United States created the now annual Binational Prosecutors Conference, which links prosecutors on one Latin America. Recognizing the importance of respect for the law in ensuring stability in Latin America and in efforts to foster anti-narcotics sentiment, the Department has supported efforts to draft model drug and money laundering legislation. In 1990, the Office of International Affairs' Inter-American Drug Commission (CICAD) completed work on side of the border with their counterparts on the other side of the boundary. helps to plan the annual meeting of prosecutors from each side of the border. Given the amount of cross-border traffic and crime that exists along our longest land boundary, this kind of cooperation is essential for law enforcement.

Europe: East and Mest. In December 1991, the Attorney General represented the United States at the semi-annual TREVI Conference, where the chief law enforcement officers of the European Community coordinated policies on international enforcement of criminal law. The Office of International Affairs prepared material for the Attorney General's presentation to the Trevi Troiks, and for his bilateral meetings with counterparts from Germany, Italy, the Netherlands and France. This year's agenda included the problem of integrating the former Soviet bloc into the international law enforcement community, an area in which the Department has taken an active role. The Office initiatives in Eastern Europe during FY 1992 include talks with officials in Hungary and Poland to discuss terrorism, anti-narcotics efforts, and the need for closer ties through training and cooperation.

TREATIES •

over the last two decades, criminal conduct, particularly, narcotic trafficking, has increasingly extended beyond the borders of any one country. Federal prosecutors in the United States investigating such conduct have, in the past, confronted serious problems where exidence was located oversees. In the absence of a treaty, letters regatory have been the customary method of getting evidence from abroad. Letters regatory, however, require an application to the court and transmission through relatively public channels, a procedure which is inconsistent with our traditions of non-public criminal investigations and grand jury secree. Even where the letters regatory are issued under seal and sent with a request for confidentiality, many countries place limits on the degree of cooperation that they will afford to us in the pre-indictment phase of a case. As their cooperation is merely customary, not mandatory, we are not in a position to object to such refusals. The lack of experience in international cooperation has in the past hampered swift responses, even where the country was disposed to provide the requested assistance. Mints were designed to solve these problems by providing prosecutors with a channel for sending requests through a central authority in one country to a corresponding prosecutorial authority in another country. The foreign prosecutorial authority, in turn, oversees the prompt execution of it, crequest confidential to the extent possible. Each party to the treaty is bound to provide such assistance to the other under specified conditions.

Since January 1989, the Department has brought into force new Mutual Legal Assistance Treaties (MLATS) with eight countries (Anguilla, Bahamas, British Virgin Islands, Canada, Cayman Islands, Mexico, Montserrat, and the Turks and Caioos Islands). A new extradition treaty with Janualca came into force in July 1991, and a protocol to the Canadian extradition treaty became effective in November 1991. In April 1992, the Senate Committee on Foreign Relations held Advice and Consent hearings on four new Mutual Legal Assistance Treaties (with Spain, Argentina, Uruquay, and Janualca), a new extradition treaty with the Bahamas, and three supplementary extradition agreements (with Spain, Germany, and Australia). The Department has also concluded negotiations on two new MLATS (with Nigeria and Panama) and a new extradition treaty with Shifterland. Negotiations on treaties with Australia, Hungary, Korea, Malaysia and the United Kingdom took place in 1999 and 1990, and further talks are in the works. The Department also completed special executive agreements with Colombia, Hong Kong and the United Kingdom in 1990 and 1991.

CASES

Morid Trade Center Bombing. The Office of International Affairs worked hard, quickly, and successfully in support of the investigation of the World Trade Center bombing and the apprehension of the defendants. The US Attorney's Office for the Southern District of New York contacted OIA for help in getting bank records from Germany. Germany would produce those records only through use of the Office of International Affairs' procedures. The Office prepared the necessary paper work to make the request and forwarded it to New York to be signed by a US federal district court judge. The Germans seized the documents and turned them over to the U.S. immediately.

The Office also arranged for one of the defendants to be returned from Egypt. Specifically, on March 22, 1993, the Office of International Affairs, again at the request of the US Attorney for the Southern District of New York, began working through the State eppartment to obtain the immediate arrest and expulsion of Mahmomud Abu Halima, at Mahmud Abohalima, from Egypt for prosecution in connection with the bombing of the World Trade Center. The effort was successful and on March 26, 1993, the Egyptians returned him to the United States.

<u>Terrorism</u>. Khalid Al-Jawary, a notorious PLO bomber who was involved in planting powerful bombs outside the Israeli Discount Bank and an El Al airlines hangar in New York in 1973 was extradited to the United States by Italy in April 1992.

<u>Arms Export Violations</u>. Inam Ul-Hag was arrested in Germany in July 1991 following a U.S.

request for extradition. Ul-Hag, a retired Pakistani general, is charged with conspiracy, making false statements, and filing false documents all in an effort to export material to Pakistan for use in manufacturing nuclear devices. He returned to the United States for trial in Pennsylvania in February 1992.

Colombian drug smuggler Robert Serry was extractived from the Turks and Calcos Islands.
Serry is charged in Florida for operating a continuing criminal enterprise which imported more than 400 tons of cocaine into the United States. The Department arranged with French charges and testify against Manuel Noriega. Daniel Ortiz-Hermida, former pilot for Medellin Cartel leader Pablo Escobar, was serving a 14-year French sentence for drug-trafficking when the U.S. asked for his temporary surrender. While in the U.S., he pleaded quilty to U.S. drug-trafficking charges and cooperated with prosecutors in the October 1991, the Department invoked the Mill return to France to complete his sentence. In october 1991, the Department invoked the Mill with the Netherlands to take possession of a \$250,000 yacht left by a deceased drug smuggler in the Netherlands Antilles. This was the first such seizure in the Dutch Caribbean islands pursuant to the Mill with the Netherlands. In June 1991, Jamaican Shower Posse member Richard Morrison was extradited to the United States from Jamaica. Morrison and co-defendant Lester Coke, a leader of the Shower Posse, are charged in the Southern District of Florida with four drug-related murders and drug trafficking. Coke was murdered in his cell in Jamaica before the extradition proceeding was completed. As part of Operation Polar Cap V, Stephen and Donna Saccoccia were arrested in Switzerland in December 1991 where they are being held pending extradition. They are charged with laundering money on behalf of South American darug million in accounts controlled by the late Medellin cartel leader Rodriguez-Gacha. The money was frozen in Switzerland pursuant to a U.S. MLAT request. After its transfer to the United States, the money was forfeited and shared with Switzerland. In October 1991, Raul Vivas in 1990 and the Swiss government cooperated in transferring over \$11.5 Two other major money launderers dealers in Los Angeles and Providence, Rhode Island. Two other maidentified in Operation Polar Cap V were extradited from Uruguay: Ramon Puentes in 1991. In late-1991, Narcotics.

Fraud. Syed Ziauddin Ali Akbar, a principal officer in the Bank of Commerce and Credit International (BCCI) was arrested in France in 1991 at the request of the U.S. Akbar is wanted in the Middle District of Florida for money laundering and racketeering, charges which are based on his role in operating BCCI. Because the British have also requested Akbar's extradition, OIA expects to broker an agreement on priority among the parties. In a case involving the cooperation of the former Soviet Union, Felix Kolbovsky, wanted in Missouri for a \$10 million dollar medicare fraud, was expelled from Moscow in March 1991

and escorted here by U.S. law enforcement officers. OIA worked through Interpol to arrange for Kolbovsky's return, which was accomplished in the absence of an extradition treaty Murder. Charles Chitat Ng was returned to the United States from Canada in September 1991. Ng is charged with kidnapping and murdering over a dozen people in California. Also in September 1991, Canada sent back Joseph John Kindler, a convicted murderer from Pennsylvania. Kindler faces a death sentence; Ng's case remains in the pre-trial stage. William Patrick Austin, convicted of murdering a police officer near Philadelphia, escaped in 1980 from the state penitentiary where he was serving a life sentence. OIA learned of his presence in Tunisia, confirmed his identity, developed and coordinated a legal strategy for his expulsion from Tunisia, and oversaw his return to the United States in 1991. He is now serving the remainder of his life sentence at a maximum security facility in Pennsylvania. John B. Hawkins, charged with murder in California after insuring the line of his business partner and killing another man whose body was made to look like the insured, collected one million dollars in life insurance and sailed away. He was arrested in Sardinia, Italy, at OIA's request, in August 1991. The Italian government confirmed that he was found extraditable in January 1992. Jozsef Sztojka, a Hungarian national wanted in Hungaria in October 1991. Sztojka is the first Hungarian to be extradited under the 1856 Extradition Treaty between the United States and Hungary. The first extradition between the United States and the Czech and Slovak Republic took place in 1991. Jiri Benes was extradited to the Czech and Slovak Republic to serve a sentence for murder. He had escaped from prison in Czechoslovakia and made his way to the United States. OIA was responsible for notifying the Czechs of his presence here and advising them on the procedure for requesting extradition.

Internal Security Section

hundreds of highly sensitive NATO defense plans to Hungary. Section attorneys met frequently with the German prosecutors (who secured Conrad's conviction), and intelligence and law enforcement officials of other countries to ensure the comprehensive resolution of the investigation. An extensive grand jury investigation conducted jointly by Section attorneys and the U.S. Attorney's Office in Tampa, Florida led to the indictment for espionage of Roderick Ramsay, Conrad's chief supplier of classified documents. Ramsay has The Internal Security Section (ISS) Espionage Unit has counseled and coordinated the activities of several agencies engaged in the investigation of the European-based espionage ring led by former U.S. Army Sergeant Clyde L. Conrad. For more than a dozen years, Conrad and his confederates, including two couriers residing in Sweden, sold

pled guilty and been sentenced to 35 years imprisonment. In October 1991, the Export Unit indicted three South African corporations and 17 individuals for the unlicensed export of \$30 million worth of military goods and technology to South Africa, some of which was reexported to Iraq over a ten-year period. The principal U.S. defendant pled guilty and was sentenced to 15 years imprisonment and forfeited \$4 million. Five additional defendants have entered guilty pleas and are awaiting sentence.

Total Contract

In 1991, the Japan Aviation Electronics Industry, Ltd. (JAE) pleaded guilty to charges of exporting to Iran approximately \$7 million worth of components for inertial navigation systems. JAE was sentenced to pay a \$10 million criminal fine and paid a \$5 million administrative penalty. In April 1991, a jury returned guilty verdicts against three individuals who had conspired to negotiate the sale of one million barrels of oil for the Government of Iraq for \$21 million. In 1992, Delft Instruments, a Netherlands Corporation, and four corporate executives were charged with the export of military night vision devices to Iraq and Jordan which contained U.S. controlled components. Delft entered a guilty plea and was sentenced to pay a \$2.5 million criminal fine and paid an administrative fine of \$800,000.

The Graymail Unit coordinated the use of the Classified Information Procedures Act (CIPA) in 30 cases during 1992. The Registration Unit has assisted a United States Attorney's Office in a grand jury investigation, which resulted in the return of an indictment charging three individuals with alleged mail and wire fraud, tax and Foreign Agents Registration Act (FARA) violations in their, representation of the Government of Kuwait.

Office of Special Investigations

The Office of Special Investigations is experiencing an increase in workload for rendering assistance to the Governments of Canada, Australia and Great Britain where similar units have or are being formed to investigate war criminals. Cases which the Office of Special Investigations regards as final dispositions, because the individuals have departed the U.S. pursuant to consent agreements or extradition, continue to require an inordinate expenditure of resources because of the subjects' efforts to revoke their consent agreements or contest the extradition order. The dissolution of the Soviet Union has enhanced the Office's access to key archives in Russia, Ukraine, Belarus, and the Baltic countries and has increased historical research and corresponding investigations and litigation.

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Terrorism and Violent Crime Section

During FY 1992, the Section had several major accomplishments in combatting terrorism. In November 1991, a grand jury of the District of Columbia indicted two operatives of the November 1991, a grand jury of the District of Columbia indicted two operatives participated in the bombing of Pam Am Flight 103 over Lockerbie, Scotland. In January 1991, a Greek Gourt convicted Mohammed Rashid of murder and other offenses. Rashid participated in the August 1982 bombing of a Pan Am flight en route from Tokyo to Honolulu. Rashid had been indicted in the District of Columbia, but was arrested and tried in Greece. A prosecutor from the Criminal Division attended the trial for the purpose of facilitating the resolution of problems that arose during the prosecution's case. The prosecution relied exclusively on U.S. Witnesses and evidence developed during the U.S. invastigation. The case is now pending a Greek appellate procedure which would require the involvement of the prosecutor in marshalling evidence and assisting our Greek counterparts. In March 1992, two grabundi Marti National Liberation (FMNL) rebels, one of Whom had been indicted in the u.S. for the murder of two soldiers in El Salvador, were arrested by Salvadoran authorities. A Terrorism and Violent Crime Section attorney played a pivotal role in the authorities in preparing for the trial and will monitor the proceeding.

In March 1992, the Attorney General announced that combatting violent crime is the Department's top priority. The Terrorism and Violent Crime Section is responsible for implementing violent crime initiatives and enforcing objectives in the area of violent crime. During 1992, the Section has continued its focus on two major areas of emphasis: (1) Project Triggerlock and (2) violent gangs. The Section coordinates the efforts of Project Triggerlock task forces established by all 93 U.S. Attorney's Offices. These task forces are aimed at incapacitating violent armed offenders by using federal firearms to ensure their prolonged incarceration. Nearly seven thousand defendants were charged with federal firearms offenses during the first full year of Triggerlock's operation. This represents a doubling of federal firearms prosecutions as compared with the previous fiscal advice and guidance on a wide range of firearms issues. In June 1992, the Section published a Federal Firearms Gases.

The Section responds to a growing demand for assistance in the area of gang prosecutions. The Terrorism and Violent Crime Section is working with federal prosecutors and law enforcement agencies to develop effective strategies in gang prosecutions and to maximize

the use of federal statutes to achieve prolonged incarceration of violent offenders. In June 1992, the Section was involved in the development of, and participated in, a nationwide training conference on gang prosecutions for federal, state, and local prosecutors. As a result, the Section is planning additional regional gang conferences to address prosecution strategies against particular types of gangs.

In 1992, the Section responded to requests for litigative support in violent crime/gang prosecutions. A Section attorney is the lead prosecutor in a case in the District of Alaska involving a mail bombing death. In April 1992, four defendants were indicted for murder and other charges arising from the death in September 1991 of David Kerr, whose son had been a witness in the state homicide trial of two of the defendants. In July 1992, one of the defendants pled quilty; the temperally defendants are scheduled for trial in November 1992. The government is seeking the death penalty against two of the defendants. Section attorneys are handling the pleadings and appellate issues that have arisen in connection with the death penalty request. In Los Angeles, a Section attorney has been assigned since May 1992 to a task force established by the Attorney General to investigate riot-related criminal activities that followed the verdict in the Rodney King case. persons dead.

The Section also implements Project Triggerlock for the Division, providing advice and guidance on federal firearms statutes that are used to achieve prolonged incarceration of armed criminals. Additionally, within the Criminal Division, the Section is actively involved in monitoring developments in the investigations surrounding the explosion at the World Trade Center in New York City on February 26, 1993, and the standoff in Waco, Texas, between federal agents and members of a religious cult that resulted in the deaths of four ATF agents on February 28, 1993. The Section is in contact with the FBI, ATF, and the U.S. Attorneys' offices involved in those investigations, and is providing legal advice and assistance as needed.

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Item	1991	1992	1993	1994
Office of International Affairs	,			
Foreign Extradition:				
Requests Pending, Beginning of Year	352	394	463	563
Requests Received	193	265	275	275
Requests Closed	151	196	175	175
Requests Pending, End of Year	394	463	563	663

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Requests Pending, Beginning of Year	619	749	849	974
	270	350	400	400
	200	250	275	300
	749	849	974	1,074
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Requests Pending, Beginning of Year	473	539	668	818
Received.	335	466	200	550
	269	337	350	350
	539	899	818	1,018
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Requests Received	280	300	320	250
Requests Closed	170	175	180	200
	581	206	846	916
Internal Security Matters: Pending, beginning of year	207	250	310	380
	290	310	330	330
Closed	247	250	260	260
Pending, and of year	250	310	380	450
Internal Security Cases [lead prosecution]: Pending, beginning of year. Opened. Closed	4 4 6 8 4 2 4 5	52 3.4 6.1 1.5 1.5 1.5 1.5 1.5 1.5 1.5 1.5 1.5 1	44.07 1880	70 35 79 79

Item	1991	1992	EST.	Estimate 93 1994
Disposition of defendants in Internal Security				
	:	37	43	47
Acquittals/dismissals	:	w	01	##
Other dispositions (transfers to U.S. Attorneys, deaths)	:	-	e	ĸ
Office of Special Investigations				
Pending, beginning of year	472	452	421	411
	53	43	20	00 0
Pending, and of year	452	421	411	411
Office of Special Investigations Cases (lead prosecution): Pending, beginning of year. Opened	1 2 2 1 1 9 1 9 1 9 1 9 1 9 1 9 1 9 1 9	119 25 25	, , , , , , , , , , , , , , , , , , ,	<i>ა</i> გ
	40	ън	% 0	e
Other dispositions (transfers to U.S. Attorneys, deaths)	н	7	Ħ	-
Terrorism & Violent Crime Matters: Pending, beginning of year Opened	: : : :	6 9 4 E	11 25 16	16 132 19

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Terrorism & Violent Crime	7227	7335	1893	1994	
Cases (lead prosecution): Pending beginning of year		-	u	7	
	:	-	7	77	
Opened	:	ഗ	16	22	
CLOSed	:	4	10	16	
Pending, end of year	:	15	21	27	
Disposition of defendants					
in Terrorism & Violent Crime					
cases litigated:					
Convictions	:	10	4	ĸ	
Acquittals/dismissals	:	-			
Other dispositions (transfers		l	•	•	
to U.S. Attorneys, deaths)	:	:	:	:	

increase/Decrease	Perm. Pos. WY Amount 0 0 0
1994 Estimate	Perm. Pos. WY Amount 138 130 11,613
. 1994 Baseline	Perm. Pos. WY Amount 138 130 11,613
1993 Appropriation Anticipated	Perm. Pos. WY Amount 138 130 10,957

Litigation Support

Long Range Goal: To secure appellate judicial decisions in criminal cases favorable to the United States, implement forfeiture laws as a means of disrupting criminal activities, and to provide central coordination for electronic surveillance and witness protection.

Major Objectives:

Appellate Section

To assist the Solicitor General by preparing draft briefs in upposition, merits briefs,

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and petitions for certiorari. The Appellate Section also screens defendants certiorari petitions to determine whether the government should waive its right to file a response.

To assist United States Attorneys by presenting oral arguments and writing briefs, rehearing petitions, and mandamus petitions.

To assist in determining whether further reviews should be sought when decisions are adverse to the Government.

Asset Forfeiture Office

To advise and train investigative agents and Assistant U.S. Attorneys to make greater use of forfeiture provisions and better manage seized and forfeited assets.

To process and resolve petitions for remission and mitigation in judicial forfeiture cases and to process all judicial equitable sharing requests.

To review forfeiture case settlements in which the gross amount of the original forfeiture claim exceeds \$500,000, and to review all requests for pre-urial restraints or property transfers.

To litigate major forfeiture cases that are national in scoxe, voluminous, or complex.

Office of Enforcement Operations

To review and make expeditious recommendations to the Assistant Attorney General for authorization to conduct all federal electronic surveillance, pursuant to 18 U.S.C 2518; comment upon and prepare government responses to suppression motions on electronic surveillance issues; provide training to United States Attorneys' Offices and investigative agencies in electronic surveillance matters; and provide legal advice and analysis on all electronic surveillance issues.

Drogram, pursuant to 18 U.S.C. 3521; coordinate and administer a variety of complex and highly sensitive matters relating to all aspects of this Program; provide training to United States Attorneys' Offices and investigative agencies in Witness Security matters; provide legal advice and analysis in all Witness security matters; provide legal advice and analysis in all Witness security issues; and serve as ombudaman for all participants in this Program.

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To approve or deny all applications for the transfer of prisoners, both into and out of the United States, under the provisions of the International Prisoner Transfer Program; and coordinate all such transfers with the appropriate federal agencies, state agencies and foreign governments. To process applications for withess immunity requests for grand juries and trials, and for approvals to subpoena attorneys on matters arising out of their representation of clients.

To efficiently review requests for the myriad of litigation support functions vested in the Legal Support Unit.

To coordinate responses to Freedom of Information Act and Privacy Act requests pertaining to Criminal Division records.

Base Program and Description:

Appellate Section

The Appellate Section consists of attorneys who are expert in federal criminal law. The Appellate Section, in conjunction with the Office of the Solicitor General, reviews certiorari petitions in federal criminal cases filed in the Supreme Court. The Section determines whether to respond by filing a brief in opposition or waiving a response because the petition does not merit any answer. If the case merits a response, a draft brief in opposition is prepared by a Section attorney opposing Supreme Court review. The Section also prepares draft certiorari petitions and merits briefs for the Solicitor Attorneys, Section attorneys write briefs and participate in oral arguments. The Section also provides advice to Assistant U.S. Attorneys who seek assistance in the preparation of their appellate briefs. The Section examines decisions of district courts and courts of appeals adverse to the United States Department of Justice to determine whether further review is justified. In this process, the Section Attorneys, in their memoranda, present the strongest possible arguments in favor of the Government's position, and, where possible, attempt to develop arguments that will result in decisions favorable to the

Asset Forfeiture Office

The Asset Forfeiture Office (AFO) staff is divided into four basic groups: the Litigation Unit, the International Staff, the Training and Publications Staff, and the Policy and

breakers use to commit crimes (i.e., the airplanes and boats they use to smuggle narcotics into the country and the cash they use to buy drugs for resale). By removing this working capital from criminals, forfeitures make it more difficult for lawbreakers to operate. By seizing the fruits of crime (i.e., the stocks and bonds purchased with money traceable to drug sales or a business acquired by a pattern of racketeering activity), forfeitures further deter lawbreaking by taking the profit out of crime. Forfeiting criminal profits also promotes justice because criminals should not grow rich from their violations. forfeiture litigation. AFO develops policies which incorporate asset forfeiture into an overall law enforcement program and improve the existing practices regarding the management of seized and forfeited assets. Forfeitures are an important part of law enforcement because forfeiture allows the Government to confiscate property that law AFO is responsible for the conduct of civil and criminal asset

To the extent forfeiture is becoming increasingly available for white collar crime, forfeiture helps secure restitution for victims of crime.

Office of Enforcement Operations

The Office of Enforcement Operations consists of six components: Electronic Surveillance, Witness Security, Prisoner Transfer, Witness Immunities, Legal Support Services, and Freedom of Information Act/Privacy Act (FOIA/PA).

The Electronic Survuillance Branch reviews pleadings in support of all electronic surveillance orders in federal criminal investigations; prepares briefs and responses to suppress motions involving electronic surveillance issues; provides litigation support, legal advice, and training on electronic surveillance matters to United States Attorneys' Offices and other investigative agencies. In essence, the Electronic Surveillance Unit serves as the liaison hitween the Criminal Division and other federal agencies on all matters pertaining to the use of electronic surveillance.

into the Federal Witness Security Program. Branch personnel coordinate the administration of the many varied and complex matters relating to this Program. The staff is directly involved in all aspects of a witness' participation in the Program, which requires extensive and frequent communication and interaction with all other Program components. This includes, but is not limited to, the United States Marshals Service (USHS), the Federal Bureau of Prisons (BOP), all federal investigative agencies and Congressional The Witness Security Branch makes the final decision on whether a witness is authorized oersonne] The International Prisoner Transfer Unit makes the final decision concerning whether to transfer prisoners into or out of the United States, pursuant to the provisions of the International Prisoner Transfer Program. Unit personnel coordinate the transfers with the BOP, the appropriate State correctional agencies, the United States Department of State and the various foreign governments. Approximately thirty countries are signatories to blateral treaties or conventions, including the Council of Europe Convention; and thirty-four states have passed legislation permitting transfers under these treaties. Additional countries are expected to ratify the Council of Europe Convention.

The Witness Immunities Unit processes all requests to immunize witnesses before federal grand juries and at federal criminal trials, pursuant to 18 U.S.C. 6001 et seq. In addition, the Unit processes all requests to subpoena attorneys on matiers that arise from their representation of clients. Also, the Unit reviews all requests for prosecution of federal defendants in cases in which there have been prior state or federal prosecutions these defendants based on the same events or cases.

The Legal Support Services Unit handles diverse functions in support of the Division's litigation responsibilities. These functions include federal grand jury disclosure requests, pursuant to Fed. R. Crim. P 6(e)(3)(C)(1v); authorization of subpoenas to members of the news media, authorization of closures of proceedings in federal courts; authorization of third party search warrants; tax disclosure requests; requests pursuant to the Right to Financial Privacy Act; searches pursuant to the Privacy Protection Act; and subpoenas to Department of Justice employees; and electronic surveillance checks, pursuant to 18 U.S.C. 3504.

The Freedom of Information Act/Privacy Act (FOIA/PA) Unit processes all FOIA and PA requests for Criminal Division records. The FOIA requires all federal agencies to respond to requests from any person for agency records. The PA requires federal agencies to permit any individual access to information pertaining to him or her Which is contained in a system of records, and to safeguard against unauthorized disclosure of such information.

Accomplishments and Workload:

Appellate Section

Since 1991, the Appellate Section has prepared briefs in the courts of appeals and the Supreme Court in many important and recurring issues. The Section continues to play a prominent role in litigation under the federal Sentencing Guidelines. Section attorneys have provided draft briefs on the merits in two Supreme Court cases involving the

idelines, <u>Milliams</u> v. <u>United States</u> and <u>Made.</u> v. <u>United States</u>. The Section has presented the government on sentencing guidelines issues before several en banc courts appeals, including <u>United States</u> v. <u>Galloway</u>. represented

The Section participates in cases raising controversial issues regarding the application of state ethical rules to federal prosecutors. In <u>United States</u> v. <u>Lobez</u>, Section attorneys substantially contributed to the government's brief on appeal from a district court's decision that an indictment should be dismissed based on the court's finding that a federal prosecutor violated the ethical rule against attorney contacts with represented

The Section has been active in other significant courts of appeals litigation. The Section recently handled an en banc case in the Fifth circuit in which that court overturned its long held rule that a conspiracy verdict must be set aside when the same jury acquits a codefendant of the same conspiracy. See <u>United States</u> v. <u>Zunga-Salinas</u>, No. 90-2773. In another en banc Fifth dircuit case, <u>United States</u> v. <u>Ibazra</u>, No. 91-2822, the Section is seeking to establish the validity of a consent search that netted nearly \$1 million in drug proceeds. The Section also participated in several cases, including <u>United States</u> v. <u>Dominguas-Villa</u>, No. 91-10516 (9th cir.), attempting to limit the Ninth circuit's recent expansion of defendant's rights to discovery of the personnel files of law enforcement officers who will testify at trial.

in several other important court cases, including United States v. Alvarez-Machain, No. 91-712 (whether a person whom the government brings to this country by means other than those provided for in an extradition treaty has the right not to be tried in this country's courts; Doggett v. United States, No. 90-857 (whether delay between indictment and arrest violated a defendants's speedy trial right; Evans v. United States, No. 90-857 (whether a defendant was properly convicted of extration under official right, in violation of the Hobbs Act for agreeing, in exchange for payment, to assist a developer in getting property rezoned); United States v. 92 Bhana Vista Avanue, No. 91-791 (whether a person who has received a gift of money derived from drug trafficking and has used that money to purchase real estate is entitled to assert an "innocent owner" defense in an action seeking civil forfeiture of the real property); and <u>Jacobson</u> v. <u>United States</u>, No. 90-1124 (whether a defendant was entrapped, as a matter of law, in an undercover operation that led to his prosecution for receiving child pornography). The Section also has provided draft briefs on the merits to the Solicitor General

sset Forfeiture Office

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The following are some major accomplishments of the Asset Forfeiture Office (AFO):

- BCCI Forfeiture Litigation. The Asset Forfeiture Office has exclusive responsibility for the forfeiture aspects of the BCCI litigation. To date, 106 claims by banks and other entities have been filed in the Bank of Credit and Commerce International (BCCI) criminal ancillary proceedings. Each claim represents a distinct case filed by the various third party claimants asserting an interest in the forfeited BCCI asset. A number of these claims are several inches thick and all of them generally involve complex banking and commercial law issues. Each claim must be carefully analyzed, researched, and variously grouped by the legitimacy and priority of the legal interests asserted. Initial determinations must then be made as to whether settlement should be pursued, and whether there are grounds for summary dismissal of the claim. To accomplish this, a substantial number of financial records have to be examined. There may be as many as 100 BCCI assets not yet listed for forfeiture that need to be further identified, liquidated; and/or settled. These assets include real and personal property, loans, and mortgages throughout the United States.
- Operation Polar Cap V. Operation Polar Cap V is a nationwide money laundering investigation, in which 33 bank accounts have been seized. Most of these cases involve foreign claimants and interests, adding more complexity to the already difficult financial analysis required to litigate each case. Based upon the average length of civil forfeiture litigation in the Southern District of Florida, litigation of these cases is expected to last through FY 1994. This is only the first phase of operation Polar Cap V; forfeitures are expected in the next two years as the remaining targets are indicted and arrested.

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- Training Conferences. In FY 1992, the Asset Forfeiture Office organized and conducted 14 training conferences averaging 100 students per conference. An equivalent level is anticipated in FYs 1993 and 1994. Additionally, the Training and Publications Unit prepares two monthly and ten special publications on behalf of the Office. 0
- International Forfeiture. It is expected that the Asset Forfeiture Office's international forfeiture activities will continue to expand in FY 1994. In FY 1992, the Office processed 17 international sharing matters involving the transfer of a total of approximately \$20 million forfeited under United States law to 12 countries that cooperated in the underlying cases. The Asset Forfeiture Office will also

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standing and case-specific agreements with foreign countries addressing bilateral forfeiture cooperation and asset sharing. For example, in FY 1992, the two Offices reached an understanding with the Swiss authorities for the repatriation from Switzerland of over \$22 million for civil forfeiture in the United States. Finally, the Office will continue to sponsor forfeiture conferences to be attended by United States and foreign officials with forfeiture responsibilities. In FY 1992, AFO has sponsored two such conferences with the Canadian Department of Justice and a third with the United Kingdom and the Dependent Territories. At least two international forfeiture conferences, and possibly three, will be held in FY 1993 and FY 1994. continue to work through the Office of International Affairs (OIA) to negotiate

Office of Enforcement Operations

The Electronic Survelliance Branch's Workload has continued to increase dramatically. In 1991, the Branch reviewed 683 requests to conduct electronic surveillance; in FY 1992, the number increased to 908, and it is likely that in FY 1993 the Branch Will receive as many as 1,000 requests. With the Department's continued emphasis on white collar crime, drug enforcement, asset forfeiture, organized crime, and terrorism and violent crime, the workload in this Branch will increase even more in FY 1994. These increases, combined with the passage of the Electronic Communications Privacy Act of 1986 (ECPA), have generated significantly more activity in the Branch's other areas of responsibility. In federal criminal investigations and making recommendations to the Assistant Attorney General of the Criminal Division concerning the approval or the Assistant Attorney General of the Criminal Division concerning the approval or denial of each electronic surveillance request, the Branch comments on and assists in preparing briefs and responses to support of video surveillance orders; reviews and approves requests for consensual monitoring; provides litigation support and legal advice on electronic surveillance in multi-district, complex investigations; reviews and federal law enforcement agencies; formulates policy on electronic surveillance in multi-district, complex investigations; reviews and processes requests for disclosure of electronic nurveillance in multi-district, complex investigations; reviews and processes requests for disclosure of electronic nurveillance in multi-district, complex investigations; reviews and processes requests for disclosure of electronic nurveillance in civil and response in civil and response. other Justice Department components and other agencies on all matters involving the use of electronic surveillance for law enforcement purposes; coordinates the implementation of the ECPA with all United States Attorneys' Offices, federal law enforcement agencies, state and local legislators and law enforcement authorities; answers citizen inquiries on forfeiture cases; reviews proposed legislation and responds to Congressional inquiries regarding electronic surveillance; serves as the liaison between the Criminal Division and electronic surveillance; conducts training for federal, state and local law enforcement The Electronic Surveillance Branch's workload has continued to increase dramatically.

authorities; supervises inmate telephone monitoring programs in the Bureau of Prisons; prepares annual reports to Congress; and is preparing a comprehensive procedural manual on the use of electronic surveillance in federal investigations.

Branch reviewed and handled 4,659 witness security matters in FY 1992. This is a 23 percent increase over similar matters in FY 1991. During FY 1992 the actual number of witnesses authorized into the Program increased by 35 percent over the number of witnesses authorized in FY 1991. One reason for this increase is that as the Program continues to grow, the client base becomes increasingly larger, resulting in ever more demands on the Branch's staff and other resources. Another reason is that the Program continues to evolve in new directions in the bepartment's additional priorities. Whereas the Program historically has dealt with withesses against traditional organized crime, it is expanding its focus to other groups, while at the same time continuing to provide one of the government's most effective weapons ever in the fight against the La Cosa Nostra. One initiative has been the Short Term Protection Program (STPP), a pilot program developed in initiative has been the District of Columbia's United States Attorneys' Office (USAO). This pilot was designed to respond to the need for protection of witnesses against street gang members and the violence and danger they pose. The Branch is preparing to expand the pilot nationwide, primarily to meet the challenges of protecting witnesses in Weed and Seed type cases. The The Witness Security Branch's workload continues to increase significantly each year. Pranch reviewed and handled 4.659 witness security matters in FY 1992. This is a 23

In FY 1992, the International Prisoner Transfer Unit approved and arranged for the transfer of 317 prisoners to or from the United States. This represents a tripling of the 108 such transfers in FY 1991. The number of transfer occasions has also significantly increased; transfers with both Canada and Mexico now occur quarterly. In FY 1992, there were seven transfers with Panama, three with Spain, three with the Netherlands, two with France, two with the United Kingdom and one each with Greece, Switzerland and Italy. The Council of Europe Convention on the Transfer of Sentenced Persons entered into force for the Bahamas and the Federal Republic of Germany in FY 1992. It is anticipated that approximately eighty American citizens imprisoned in these two countries will apply for transfer to return to the United States in FY 1993.

The Witness Immunity Unit processed requests for over 4,000 witnesses in FY 1992. In addition the Unit administered the Department's attorney subpoena program, which in FY 1992 processed 659 such requests involving 1,141 attorneys.

In FY 1992, the Legal Support Services Unit's workload increased in a number of significant areas. The number of press subpoena requests increased 25% over FY 1991;

requests for approval to close judicial proceedings increased 38% over FY 1991; grand jury disclosure requests increased 33% in FY 1992; subpoens to Department employees grew 12% in FY 1992; and requests for Division approval to conduct third party searches increased from 30% in FY 1992. The workload in the other diverse areas handled by the Unit also increased in FY 1992.

In FY 1992, the FOIA/PA Unit received 1,307 FOIA and PA requests, which represents an increase of ten percent over FY 1991. Approximately 90 percent of the resources of the FOIA/PA Unit are allocated to the actual processing of requests submitted from the public. Requests are processed on a first-in/first-out basis only. The other ten percent of office resources are allocated to administrative services. Administration includes tracking cases and locating and retrieving records requested, and other activities directly related to processing requests.

			Est	Estimate
Appellate Section	1991	1992	1993	1884
Supreme Court:	•			
Briefs in opposition	471		471	471
Walver of responses	1,487	1,487	-	1,487
Merit briefs and certiorari	•			
petitions	34	34	34	34
Asset Forfeiture Office				
Supreme Court:	•			
Court of Appeals:				
Main and reply briefs,				
oral arguments and				
rehearing and mandamus				
petitions	187	180	200	200
Adverse Decision				
Menoranda	1,464	1,464 1,464 1,464	1,464	1,464
Patitions for Remission				
or Mitigation of Forfeiture				
Pending, beginning of year	31	9	30	0
Opened	179	200	180	225
Closed	150	230	170	220
Pending, end of year	9	30	4	45

			K	KELLMATS
Asset Forfeiture Office	1881	1992	1993	1994
Miscellaneous Icems Offers in Compromise Reviewed	30	30	33	33
Review of Attorney Fee Matters	8	9	65	70
Training Seminars	10	14	12	12
Asset Forfeiture Office Forfeiture Cases (lead prosecutions):				
Pending, beginning of year	10	7	135	120
Opened	7	140	8 6	86
Closed Pending, end of year	10	135	120	130
Asset Forfeiture Office				
Pending, beginning of year	2,901	3,098	3,308	3,633
Opened	2,311	2,344	2,725	2,750
Closed	2,114	2,134	2,400	2,500
Pending, end of year	3,098	3,308	3,633	3,883
Office of Enforcement Operations				
Witness Immunities issued	4,364	4,130	4,300	4,500
Requests for Subpoena of Attorneys	851	1,041	1,150	1,150
FOI/PA Requests Processed	1,186	1,307	1,438	1,581
~	683	908	1,000	1,090
Consensual Wiretap Applications Reviewed	1,827	1,341	1,304	1,400
Video Monitoring Requests Reviewed	808	1,028	1,316	1,500
Witness Security Matters Reviewed	3,771	4,659	5,731	7,049
Witness Security Applications Received				
For Full Program Services	238	244	300	345
Limited Services Program	e	4	132	264

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Estimate 991 1994	0 311	5 211	6 528 564	0 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	1994 Estimate Perm. Pos. WY Amount 88 95 9,628
Esti. 1991 1992 1993	162 219 270	2 35 105	264 32 406 79 114 160	554 563 570 108 317 320 1,020 1,200 1,400 1 204 218 210 356 500	1994 Baseine Perm. Pos. WY Amount 96 95 9,628
Office of Enforcement Operations 19		FOR SHORT JEEP PROGRAM ONG	Non-Witsec Prisoner Investigative Activities Reviewed Original Requests Extensions of Approvals	Office of Enforcement Operations Miscellancous Items Victim Compensation Matters Reviewed Victim Compensation Matters Reviewed Prisoners Transferred Gambling Registrations Reviewed Victim Compensation Matters Received Special Deputation Matters Reviewed	1993 Appropriation 1993 Appropriation 1 1993 Approp

Long Range Goal: To guide the administration of federal oriminal justice in an effective,

Assistant Attorney General

To supervise the development and implementation of Department policy so as to assure an effective, fair and consistent administration of Federal criminal laws.

To establish priorities and provide general supervision on the national enforcement of Federal laws.

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Office of Policy and Management Analysis

To analyze policy and management issues relating to criminal enforcement programs in order to identify and resolve problems.

Office of Administration

To develop and implement policies relating to the efficient administration of the Division.

To provide administrative services necessary to the operations of the Division.

Office of Legislation

To analyze all legislative proposals developed within the Congress and the Administration which affect either the substance or procedure of the Federal criminal justice system, and to furnish advice, as appropriate, on the probable effect of such proposals on Federal law enforcement.

Base Program Description:

Assistant Attorney General

The Office of the Assistant Attorney General carries out its policy-making, supervisory and liaison functions through the Assistant Attorney General, six Deputy Assistant Attorneys General, two Special Counsels, a Senior Counsel and support staff. Included in the Office of the Assistant Attorney General is the Office of Law Enforcement Coordination, which is assigned responsibility for staffing the Executive Working Group for Federal-State-Local Prosecutorial Relations; reviewing Federal district law enforcement plans; managing the Division's program to abolish concurrent jurisdiction enforcement lapses; supporting the Division's Crime Prevention Committee; overseeing the Division's Invision's Crime Preventing Committees; and staffing other intergovernmental law enforcement initiatives which were previously fragmented among several Division offices.

Office of Policy and Management Analysis

The Office of Policy and Management Analysis (OPMA) provides the Division with the

analytical capabilities needed to perform program development, policy analysis, and management improvement functions. This Office conducts studies and recommends positions on policy and management issues of concern to the Assistant Attorney General and other decision makers in the Division and the Department. Many of the Office's projects are joint efforts with personnel from other units. The Office of Policy and Management Analysis' professional staff includes analysts with expertise in public policy, business administration, criminology, economics, organizational behavior, program evaluation, information systems, research methods, and other related areas.

Office of Administration

The Criminal Division's administrative services are provided by the Office of Administration. Eight operational components work closely with other organizational entities of the Criminal Division, the Department, and other Federal agencies, to ensure that the Division's administrative services are provided in an efficient, finely, and cost-effective manner. These components include the Executive Office, Anangement Information Staff; Personnel Programs Staff; Budget, Fiscal and Procurement Staff; Security Staff; Litigation Support Staff; Facilities Staff Mail Management Staff; the Correspondence and Records Staff.

Office of Legislation

Well as familiarity with congressional organization, rules, and procedures to conduct the Division's relations with the legislative branch. The Office also draws upon its relations with the United States Santencing Commission and the Judicial Conference's Advisory Committee on Criminal Rules. Close liaison is maintained with Members of Congress and their personal and committee staffs, many of whom look to this Office directly for advice and assistance concerning the criminal code and rules of procedure, assistance, and oral and written briefings on the practical effect of legislation. The Office works closely with the Department's Office of Legislative Affairs, ranking of forcials of the Department and the Division, and the Federal investigative agencies. The Office of Legislation is also involved in implementing, furnishing comments, and developing recommendations for amending the Sentencing Guidelines. The Office maintains frequent contact with the staff and members of the Sentencing Commission and attends its The Office of Legislation draws upon expertise that spans the breadth of criminal law, as meetings.

Accomplishments and Workload:

Assistant Attorney General

justice system with national leadership, centralized coordination and effective direction. The role of the Assistant Attorney General (AAG) manifests itself mainly in communications imparted to other governmental entities and, by extension, to the public. The Assistant Attorney General represents the Criminal Division on proposals transmitted to the Congress, and presents the Division's position regarding the changes which are needed to improve the criminal justice system. The Assistant Attorney General assists the Supreme Court and Courts of Appeal in the enforcement of Federal laws and other constitutional and statutory interpretations of criminal law as it pertains to organized crime and white collar crime. Finally, the Assistant Attorney General communicates to other law enforcement executives (Federal and non-Federal), in speeches, meetings, and the Assistant Attorney General continues to provide the Federal criminal means available through the law enforcement programs to address the emerging problems. correspondence on the most pressing problems facing the criminal justice system, and office of

Office of Policy and Management Analysis

The Office The Office of Policy and Management Analysis staff provided key analytic support to Criminal Division and Departmental managers in priority enforcement areas such as organized crime, drugs, money laundering, and white collar crime. The Offic handles various projects of international dimensions and conducts numerous special projects that address management concerns. Organized Crime Enforcement: The Office has completed a comprehensive report on the organization and activities of the Sicilian Mafia and other Italian Organized Crime (IOC) groups in North America.

national and international meetings and conferences and have advised Departmental officials in the development of the <u>National Organized Crime Strategy</u>, portions of which were written by Office staff. In 1991, The Office of Policy and Management Analysis assisted in the preparation of Congressional testimony by the Assistant Attorney General and helped to plan three major conferences on Asian organized Since the <u>Report on Asian Organized Crime</u> was distributed, the Office has kept abreast of the activities of Asian organized crime groups in the United States. Staff members have made presentations on organized crime issues at numerous crime, two of which were international in scope.

- Violent Crime and Gangs: At the request of the Deputy Attorney General, the Office assessed the severity of the problem created by the rival Los Angeles street gangs known as the Crips and the Bloods. As a follow up, the Office prepared a comprehensive Violent Crime and Gang Initiative that was forwarded to the Attorney General and helped shape current gang initiatives.
- Drug Enforcement: The Office of Policy and Management Analysis continues to head the Secretariat for the Chemical Action Task Force (CATF), an international task force mandated by the 1990 Group of Seven (G-7) Houston Summit to examine methods to control the diversion from licit commerce of chemicals used to manufacture illicit drugs.
- Money Laundering: Additionally, the Office provided staff support and analysis to the Legal Questions Subgroup of the first Financial Action Task Force (FATF) last •
- International Issues: The Office conducted a study on the criminal justice policy and law enforcement activities within the European Community. Staff members have also responded to a variety of issues related to the Visa Walver Pilot Program. •
- White Collar Crime Enforcement: At the request of the Operations Committee of the Economic Crime Council, the Office of Policy and Management Analysis prepared a written analysis of federal-state-local Task Forces designed to investigate insurance fraud, state solvency regulation and legislation, and solvency problems in the insurance industry. The Office also reviewed health care fraud convictions during fiscal years 1990 and 1991 and the Department's sharing of conviction information with the Department of Health and Human Services (HHS) for debarment •
- Sentencing Guidelines and Other Issues: The Office represents the Department of the Research Advisory Committee of the U.S. Sentencing Commission. OPMA has analyzed alternative sentencing issues and has also drafted several of the Department's proposals for sentencing guidelines amendments for submission to the U.S. Sentencing Commission. Additionally, the Office developed training materials and videotapes on recently adopted sentencing guideline amendments and prepared a speech and handouts on the Department's policies and procedures for implementing the sentencing guidelines.
- Management Improvement Projects: The Office prepared the Criminal Division Debt •

Collection Plan, developed a Debt Collection Procedures Manual, and is coordinating the training of Division staff on debt collection.

Office of Administration

The Division's Office of Administration supports over 750 attorneys, professionals and clerical workers in the litigating Sections/Offices. A major factor in maintaining this streamlined support operation has been the benefit of advanced automation applications available to every Division employee through a common terminal on his/her desk. The Management Information Staff of the Office of Administration operates two Division-wide systems and networks, one each for office automation and data processing.

The Office has also developed and established an automated system for the timely and accountable processing of procurement and facilities requests called "PROCURE".

The Office is responsible for implementing the Division's financial operating plan and providing management with status reports reflecting the actual and projected use of the Division's resources.

The Office of Administration has also created a state-of-the-art, full-text and indexed, image retrieval system containing over 1.5 million pages of crucial evidence selected by the attorneys working on the world-wide Bank of Credit and Commerce International investigations and cases.

Office of Legislation

The Office of Legislation continues to fulfill its traditional responsibilities of drafting and working for the enactment of major Departmental and Administration legislative initiatives. During the 102nd congress, the Office drafted most of the firearm, obstruction of justice, gang and juvenile offender, and terrorism titles in the Administration's Comprehensive Violent Crime Control Act, a bill sent to Congress by the President. Many of these provisions were passed by both Houses.

In the area of sentencing, the Office prepared reports complying with the Criminal Division's express statutory duty to report at least annually to the Commission on the operation of the Sentencing Guidelines and to suggest charges that appear to be warranted. The most recent report prepared for the Commission (October 1991) described a number of areas in which amendments to the Guidelines are needed. The amendment areas came to the attention of this Office through contact with United States Attorneys' Offices,

particularly the Sentencing Guidelines Subcommittee of the Attorney General's Advisory Committee of United States Attorneys.

Another major responsibility of the Office is to respond to Sentencing Guidelines studies on the implementation of the Sentencing Guidelines and sentencing law. The Office also has a significant workload in such other areas as sentencing, drafting proposals to amend the Federal Rules of Criminal Procedure, drafting legislation or portions thereof for submission by the Department or Administration, or reviewing draft bills prepared by Congressional staffs or other agencies. Moreover, much of the testimony prepared by the Office does not pertain to a particular bill and is not reflected in the count. Each year, the Office works on well over 100 such "other" matters.

Criminal Division Balaries and Expenses

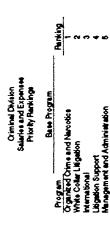
Financial Analysis ~ Program Changes (Dollars in thousands)

White Coller Crime

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	in Pos. A PTE	AFTE	-	Bavings
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Other personnel compensation		3	:	:
Total workysis and personnel compensation	£	3	!	į
Personnel benefits	:	(137	:	:
Travel and transportation of persons	;	:	:	Ē
Rent, Communications & Utilities	2	,	3	(1.5)
Pinting	:	*	!	E
Other services	:	;	:	3
Bupplies and Materials	:	:	:	•
Equipment	:	:	:	Ē
Total program work years and obligations changes				
requested, 1984	2	2	:	2

As this budget is assembled, the new admittativities had not yet selected an Assistant Alternay General to preside over the Climbral Division. Without the presence of a permanent Assistant Alternay General, it would be unwise for the Division to make decision in the redeet button of resources when Arture posless are still unknown. For accounting purposes ently, program decisions have been assessed against the White Collections decision unit.

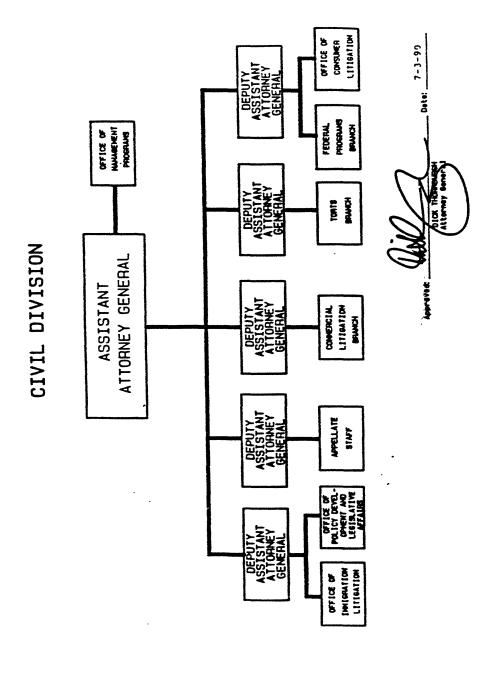
C-67



Setates and Expanses
Detail of Permanent Positions by Category
Flacul Years 1992 - 1994

			6.	1863			198	
Cetto	1992 Authorized	Authorized	Authorized Reprogramming Adjustment	Adjustment	Total	Rech	Reductions	Total
						Base Adjustment	Program Decresses	
Attomeya (805)	3	3:			<u>\$</u> :		£,	3.
Other Legal and Kindred (900 - 996)	8 %	8 %		Ε	8 %	33	= 1	2 %
Other Miscellaneous (001 089)	•	2			=		•	= 1
Boolel Bolences, Roonomios (100 -199) General Administrative, Cladesi (300 - 399).	247	247		9	10		1 8	-
Accounting and Budget (500 - 599)	=	Ξ		Ξ	9			2
Language Specialist (1040).		-				•		- •
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WriterEditor (1042)	-	_		- Tribunation	-	•	•	-
Total	887	687	1	9	87	(6)	(13	745
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Cost of Field	300	% ~	1 1	1 1	22 ~	1 1	• •	3 ~
	•	•			•			
Total	657	992	1	ē	2	ē	8 :	745

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Civil Division

Salaries and expenses, General Leon Activities

Crossealk of 1991 Changes (Dollars in thousands)

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	1993	7	Ident's	* 5	otions 23 Peop	8	Pos. 6 Mortweats	. I	Perce	COLLO	adrose	1883		priation
Activity/Program	1	至	į.	1	至	Į.	No.	Ħ	ā	¥	Zat.	N.	臣	į
Pederal Appallate												i	;	3
Activity	2	3	\$6,157	:	:	-\$51	:	:	:	:	:	2	3	2
Torte Litlantian	240	239	34,915	:	:	-141	7	<u>۽</u>	:	:	:	231	338	34,774
Commercial Littiontion	324	Š	36,838	:	:	-180	:	~	:	:	:	324	310	36,658
Paderal Programs	170	200	15,487	:	:	7	:	:	:	:	:	170	156	15,401
Commune Litigation	25	8	3,568	:	:	-23	:	:	:	:	:	33	8	20,00
Damigration Litigation	9	7	5,109	:	:	ę,	:	:	:	:	:	\$	4	2,0 6 0
Management and Administration	107	117	10.886			9	7	414	444	444	***	105	#	10.817
Total	882	8	114,960	:	:	-579	-1	Ŧ	•••	:	:	3	8	114,381

Conscional Americalistics. Actions. Congress applied a general reduction from the base progress level of the General Legal Activities appropriation. In addition, Congress dended the \$30,000 increase for the civil Division's share of the costs for enhancing the Department of Justice's Financial Management Information System (MIS).

Adjustment in Recognitions and Morkymans. In compliance with the President's Executive Order, dated Pabruary 10, 1993, a reduction of 11 parament positions and 8 workymeans has been made.

Civil Division

Salaries and expenses, General Jegal Activities

Surmary of Regultrements (Dollars in thousands)

		•	(STATES OF STATES)		ì							
Adjustments to base:										Post ii.	Years	Amount
1993 as enacted		:	:		:	•		:	• • • • • • • • • • • • • • • • • • • •		666	181,111\$ 999 \$114,181
Adjustments in permanent positions and workvears.		:			:					(11)	(8)	111
1993 Appropriation Anticipated		:		:	:			:		984	8	114,381
Transfar from Working Capital Pund	•	:			:	••••••				:	:	487
Handstory ingremes		:	• • • • • • • • • • • • • • • • • • • •		:	••••••			• • • • • • • • • • • • • • • • • • • •	:	:	8,505
Decresses		:			:	•					111	(224)
1994 Base.		:			:				*********	984	166	991 123,149
Savings to achieve deficit reduction targets												(3,323)
1994 Baselline										. 984	166	119,826
	1993	Appro	1993 Appropriation									
	Anticipated	ticip	ated	199	A Bask	1994 Baseline	1994 Estimate	4 Est	mate	Inci	90/96ea	Increase/Decrease
	Perm.			Perm.			Perm.			Perm.		
Partimates by Budget Activity	Poe. MX	¥	Amount	BOB. HV.	럭	Amount	BOBL	¥	Ros MY. Amount	Bog	복	Amount
civil matters		166	984 991 114,381	984	166	984 991 119,826	971	916	971 976 117,927	(13)	(15)	(13) (15) (1,899)

Civil Division

Salaries and expenses. General Legal Activities

Surmary of Resources by Program (Dollars in thousands)

							266	boldo	1993 Appropriation									
	1992	A B	nacted	19	1992 Actual	Leui	Ant	icho	ted	199	4 Bas	1994 Baseline	199	Est	mate	Increa	90/98	Crease
	Pers.			Pers.			Perm.			Perm.			Perm.			Perm.		
Detimates by Progress	Bar	Ĕ	Bon., HY Amount	Z	걸	Amount Ross. HY Amoun	N.	Ħ	Amount	BO	至	Amount	2	至	Ros. HY Amount	2	걸	Ros. HY Assunt
Pederal Appellate	ć	5		ç	5		ç	8	30.	É	8	4	ę	ä	9		•	6/366)
MATERIAL PROPERTY.	2	*	1011/4	•	:	CYO'/è	2	*	87'8	?	ž	C 7 1 2	•	Ď	201,00	:	9	(00)
Torts Litigation	2	231	35,632	5	218	36,086	231	229	34,774	231	229	36,691	231	229	36, 371	:	:	(320)
Commercial Litigation	337	900	36,786	337	290	38,847	324	310	36,658	324	310	38,272	320	310	37,480	€	:	(792)
Pachairal Programs	187	156	16,591	187	141	17,290	170	156	15,401	170	156	15,775	162	156	15,643	€	:	(135)
Communer Littigation	33	39	3,414	35	36	3,403	32	38	3,545	35	39	3,752	35	39	3,682	:	:	(20)
Immigration Litigation.	Ş	8	606,	Ç	45	5,027	Ç	4	5,080	Ç	8	5,805	9	8	5,710	:	:	(36)
Hanagement, and																		
Administration	707	117	117 10.454	107	109	9,813	105	117	10,817	105	117	11.096		110	110 10.861	3		(235)
Total 1,025 9	1,025	166		1,025	916	V182,811 519 251	984 991	166	114,381	984 991	766	-	176	976 1	976 117,927	(13)	(15)	(1,899)
Reinburnable Horkyears.	ı	٦		1	87		ı	8		i	7		1	7		1	1	
Total Morkyears	٠ <u>.</u>	8			934		<u>ب</u>	8		-	8		•	<u>\$</u>			(S)	
Hol Iday.		:			:			:			:			:			:	
Overtime	l	9		l	٩			9		I	٩			9		ı	1	
MOTHY CARPETS	7	1,017			942		7,1	1,017		4	1,017		7,1	1,002			(15)	

 ${\cal M}$ includes obligations for armual, no-year and two-year appropriations.

Civil Division

Salaries and expenses. General Legal Activities

Base Comparison (Dollars in thousands)

	1993	Approx.	1993 Appropriation									
	7	ticip	ted		1994 B	396	38	4 Bas	eline	Incre	se/De	Crease
Activity: Claims, customs,	Zera.			Fern.			Perm.			Perm.		
and ceneral civil matters	BOB	Ħ	Amount	Pos	Ħ	Amount	Pos. MY Amount	至	Amount	Post. HY	Ħ	Amount
Pederal Appellate												
Activity	79	85	\$8,106	79	85	\$8,522	79	85	\$8,435	:	:	\$(87)
Torta Litigation	231	558	34,774	231	229	38,591	231	229	36,691	:	:	(3,800)
Commercial Litigation	324	310	36,658	324	310	38,624	324	310	38,272	:	:	(352)
Pederal Programs	170	156	15,401	170	156	16,239	170	156	15,775	:	:	(\$64)
Consumer Litigation	35	38	3,545	35	39	3,752	32	39	3,752	:	:	:
Immigration Litigation	Ç	8	5,080	9	8	5,805	Ç	9	5,805	:	:	:
Management and Administration	105	117	10.817	105	117	11.616	105	117	11.096		:	(520)
Total	984	166	114,381	984	8	123,149	984	166	119,826	:	::	(3, 323)

The reduction to the 1994 base will be achieved primarily through reduced expanditures for administrative support services such as automated litigation support, automated legal research and ancillary support contracts. Every effort will be made to minimize the impact of these reductions, though some cases involving huge document collections may be affected.

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CIVII DIVISION

Salaries and expenses. General Lagal Activities

Justification of Program and Performance

Activity Resource Summary (Dollars in thousands)

	28	P D	x lation					1		•		
	7	Tiolo	ited	3	A Bas		3		Indie			1000
Activity: claims, customs, and carparal civil mattern		Ħ	Por. HY Amount	of Bon. HY Amount	Ħ		POEM. HY AMOUNT	Ħ	Ancunt		Ħ	Ros. MY Amount
Peteral Appellate	i	;		;	;	;	é	3			•	6/268)
ACCIVICY	?	3	87.3	2	7	57.3	2	\$	20,180	:	9	(000)
Torts Litiantion	231	23	34,774	231	229	36,691	231	558	36,371	:	:	(350 (370)
Commercial Litigation	324	310	36,658	324	310	38,272	320	310	37,480	€	:	(792)
Federal Programme	170	25	15,401	170	351	15,775	162	156	15,643	9	:	(132)
Communat Litigation	35	8	3,545	35	39	3,752	35	8	3,682	:	:	(3 (5)
Immigration Litigation	Ç	7	2,080	Q	\$	5,805	Q	\$	5,710	:	:	(88)
Management and Administration	105	117	10.817	105	117	11.096	100	110	10,861		(3)	(235)
Total	186	8	114,381	ž	28	119,826	176	976	117,927	(13)	(12)	(1,899)

This activity provides representation for the United States' interests in all types of civil cases and metters except those within the specialized fields of the other divisions of the Department or delegated to the United States Attorneys. The litigation encompasses the full spectrum of legal problems encountered by private business entarprises because the departments and agencies of the Government are engaged in innuscrable commercial ventures similar to those of a modern corporation, such as buying, selling, construction, adipping, production of enargy, innusance, in adiption in provide the Government with the best possible legal representation. While the Division operates as the Government with the best possible legal representation. While the Division operates as the Government's law firm, it also functions as a courselor and advisor for important programs that may become the aubject of litigation.

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Porm.		Pera.	desta	Perm.	077886		Perm.	2	Perm.	Perm.	34734	
		POR.	덕	Pos.	덕	ount	Pol	ቛ	Amount	Poll	격	MX Amount
Federal Appellate Ac	stivity	. 79	8	79	92	, 435	5	8	\$8,180	:	€	(\$255)
LONG-RANGE GOAL: TO DE	protect	the inte	rests	ted Sta	tes at	the higher	st level	. Jo	udicial r	.eviev.		

LONG-RANGE

MAJOR OBJECTIVES

To prevail in appellate litigation challenging trial court or administrative decisions in favor of the United States.

To initiate and prevail in appeals in which the Government's opponents were successful at the trial court or administrative 100018. To protect the Government's interest at the highest level of appeal by preparing documents to be filed by the Solicitor General in the Supreme Court.

BASE PROGRAM DESCRIPTION: The Appellate Staff protects the interests of the United States at the highest level of judicial review, providing central control over appellate litigation and insuring uniform treatment of issues affecting the Government. If the outcome of a trial involves huge financial losses, critical Government policies or Federal programs affecting the American public, frequently the decision is appealed.

The financial stakes handled by the Appellate Staff are enormous. In 1992, \$4.3 billion was at issue. By 1994, these stakes are expected to increase 28 percent to \$5.5 billion. The Staff's caseload includes numerous tort claims, major bankruptoies and contract claims involving huge stakes. In addition, entitlement programs involving billions of dollars in social and welfare benefits are increasingly the subject of hard-fought appellate litigation.

New laws and major policy initiatives are also the subject of appellate review. The Staff is handling cases involving recently enacted civil rights legislation, including the Civil Rights Act of 1991. Meanwhile, Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) suits questioning regulators' authority to act quickly to supervise financial institutions and to preserve assets of failed institutions continue to make their way to the Nation's highest courts. In addition, the Staff's health care litigation caseload is expanding, as the Government's policies regarding Medicare and Medicaled programs are increasingly contested in the courts. Legislation enacted by the newly elected Congress and programs initiated by the new Administration will likely continue this trend. By 1994, the Staff will be handling 2,501 new cases involving huge financial and policy stakes.

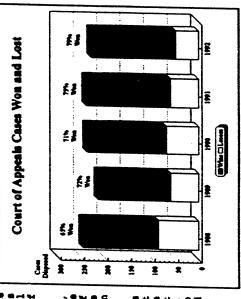
The workload of the Appellate Staff is presented in the following table: ACCORDITISIONNES AND MORKLOAD:

Item	1881	1992	1993 Kat	1993 Katimates 1994
Cases and Memoranda Handled by Appellate Staff Pending Bedinning of Year	919	87 60	636	7 06
Received During Year	1,932	2,129	2,399	2,501
Pending End of Year	6 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	2, 19	1,52	7,44
Direct Dollars at Issue (Millions)	\$3,547	84,291	\$5,044	15,492
Received and Referred to U.S. Attorneys	1,113	1,051	1,082	1,152
	,	•		

The chart to the right shows the percent of Court of Appeals cases won by the Appellate Staff over the past five years. In 1992, the Staff continued its phenomenal record of success and obtained victories in 79 percent of all cases in which judgments were affirmed, reversed or dismissed. Summaries of appealite accomplishments of the past year follow.

In Matrolina Family Practice Group, P.A., at al. v. Secretary, HHS, at al., the Court of Appeals rejected a facial challenge to a series of Medicare goat-containment messures passed by Congress, including the review of proposed aurgical procedures and price schedules for many services. The decision should save the Government billions of dollars in the implementation of the Medicare reimbursement program.

In Mational Kidney Patients Association v. Bullivan, the Court of Appeals ruled that the Government may channel claims under Part B of the Medicare Act through an administrative process prior to judicial review, and that the Covernment could seek recovery of approximately \$15 million it had paid out pursuant to a wrongfully issued injunction. The Court also held that, because the trial court had wrongfully enjoined recovery of overpayment to providers of kidney dialysis services, the Government may recover from a bond posted by the providers.



The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) restricted the counting of "supervisory goodwill" to satisfy newly enacted stricter capital requirements. Because the Federal Home Loan Bank Board had parmitted this practice, many thrifts challenged enforcement of the restriction on a variety of legal theories. In <u>Charter Federal Bavings Bank W. Director.</u> <u>Origins also, and and severy case to date, the Appellate Staff has successfully defended the restriction. At stake is the Validity of hundreds of millions of dollars in additional capital requirements imposed by FIRREA on thrifts.</u>

In Exanklin v. Commonvealth of Massachusetts, the Supreme Court rejected an effort to effect changes in the 1990 census tabulation that would have shifted a Congressional seat to Massachusetts from Montana. The Court held that the conduct of the census was not subject to review under the Administrative Procedure Act (APA) because the Census Act requires that the actual transmission of the census figures to Congress must be accomplished by the President. The Court held that the President is not an "agency" for the purposes of the APA and that his actions may not be scrutinized under its provisions. In <u>United States Papartment of Common of Court unalmously reversed a decision</u> that held unconstitutional the statutory method for reallocating seats in the House of Representatives based on the decennial census (the method of equal proportions). This litigation was handled in conjunction with the Programs Branch.

In <u>Nixon v. United States, at al.</u>, plaintiff was a Federal district judge who refused to resign after being convicted of perjury and sentenced to prison. He was impeached by the House of Representatives, and then tried by the Senate and convicted. Plaintiff claims that the Senate did not follow constitutional impeachment requirements. The case was dismissed by the District and Appellate Courts. The Supreme Court unanimously affirmed, holding that the matter is nonjusticiable and committed by the Constitution to the Senate pursuant to that body's assignment of the "sole" power to try all impeachments.

Increase/Degreess	A program decrease of 8 workyears and \$107,000 is required to meet personnel levels established by the Administration. The reduction will be achieved by extending the current hiring freeze throughout 1994. A program decrease of \$148,000 is required to reduce administrative expenses to assist in controlling the Federal deficit. The reduction will be accomplished through cuts to funding for administrative support contracts. Lower employment levels combined with reductions in administrative support will require the Appellate Staff to focus on the highest priority cases. As a result, there may be some increase in the number of cases referred to the U.S. Attorneys.
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1994 Estimate Perm. HX Amount Pos. HX Amount 79 84 \$8,180	lished by program The reductions compared to the compared to t
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1994 Baseline Perm. WX Amount 79 92 \$8,435	personnel ze through g the Fedex Lower en on the high
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1994	231 229 630
90	229 \$36,691
1994 Baseline	225 229
7557	231
riation	\$34,774
Anticipated	¥ã
	23.5
	Litigation
	• Eft.

<u>LONG-RANGE GOAL</u>: To protect the U.S. Treasury by successfully defending against unwarranted claims, preventing excessive losses from meritorious claims and maximising the monstary recovery for injury and damages to Government property.

JOE CAJECTIVES

to prevail in the defense of tort actions brought against the Government, its agencies and individual Federal employees.

To initiate and prevail in affirmative actions when the Government has sustained injury or expended resources on behalf of another Party

To implement the statutory requirements of compensation program legislation, while shielding the Government from erroneous claims

MARK PROGRAM DESCRIPTION: The forts Branch serves as quardian of the public fisc, defending the Government where plaintiffs seek monetary damages for alleged neglect or wrongful conduct and initiating actions to recover injury and damages to Government property. The monetary implications of this caseload are staggering, with claims in 1992 exceeding \$62 billion. The lion's share of these suits are defensive and, therefore, non-discretionary. Despite the fact that the Branch has little control over the number and size of incoming suits, its attorneys perform remarkably well, holding adverse judgments to less than two percent of

In many of the suits, the Government's involvement in the event triggering the tort action is elusive, at best. The most common of these types of claims involve aviation disasters such as the Long Island Avianca plane crash or environmental accidents such as the EXXON VALDES oil spill. The incidents that precipitate these suits are unforeseable; without warning, the Government can be pulled into resource-devouring litigation involving hundreds of plaintiffs and massive discovery requirements. The composition of the forts Branch workload has changed radically over the last several years. In the early 1980's, the Branch's attorneys were inundated with a virtual avalanche of liability claims. Hard-won successes in significant case families such as absence have contributed to some abstement in the number of new liability claims in more recent years, with the successes pending dropping from over 2,600 to some 500 cases. Coinciding with this reduction in liability claims is the advent of compensation programs administered by the Totts Branch. In the last five years, two major programs have been implemented following the enactment of statutes to compensate victims who sustained (1) injuries arising from compulsory childhood vaccines and (2) illnesses associated with radiation exposure resulting from specific Government programs.

1

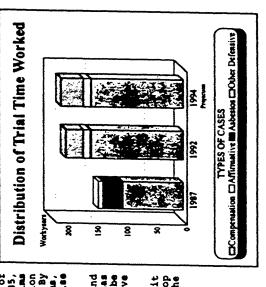
In 1986, the Mational Childhood Vaccine Injury Act was enacted to provide compensation to individuals harmed by immunisations. The purpose of the Act was to shift liability issues away from the vaccine manufacturers so that immunisations would be available at reasonable prices. Trust funds supported by a manufacturer's excise tax on certain vaccines and annual appropriations have been set aside for claims payment. The Civil Division reviews each claim for accusery, shielding the Treasury from erroneous suits and hundreds of millions of dollars in overexposure. This process is highly complex, requiring a thorough medical evaluation of each claim. Note than 3,600 claims are ourrently pending, each for approximately \$1 million.

In 1990, the Radiation Exposure Compensation Act was enacted, entrusting the Civil Division with the responsibility to implement the wast and resource-demanding provisions of the law. Final regulations were approved by the Attorney General in late March of 1992, and in the following eleven months the Eranch received 2,609 claims seeking a total of \$192 million.

Together, these compensation programs have generated literally thousands of claims which must be acted upon within time limits set by law. In 1985, compensation programs represented none of the Branch's caseload. In 1992, claims and litigation under the National Childhood Vaccine Injury Act and the Radiation Exposure Compensation Act represented 53 percent of the Branch's caseload. By 1994, the Branch expects to handle over 5,900 compensation program claims, representing 58 percent of the Branch's caseload. This number is likely to rise as a result of the initiative to vaccinate all eligible children.

Affirmative admiralty litigation represents another area of increased growth and activity. The number of affirmative cases flooding the Torts Branch dockets has increased some 33 percent over the last three years. Further growth will be restrained by the overwhelming dominance of compensation claims and defensive cases as well as by resource limitations.

The chart to the right illustrates the changing distribution of time as it relates to the changing makeup of the Torts workload. Notably, the large drop in time spent on asbestos cases occurred prior to 1992, even thought most of the asbestos cases were not formally closed until 1993.

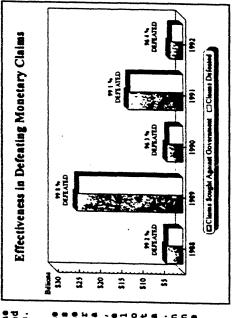


ACCOMPLISHMENTS AND MOREGOD: The workload of the Torts Staff is presented in the following table. The steep rise in terminated cases in 1993 reflects the closing of some 2,000 asbestos cases and resolution of a large bubble of Radiation Exposure Compensation claims.

Item	1991	2882	1993 Estimates	Limaton 1994
Cases Mandled by Torts Staff . Pending Beginning of Year	8,182	8,527	9,351	6,847
Received During Year	2,196	3,119	4,241	3,209
Terminated During Year	1,851	2,295	6,745	3,139
Pending End of Year	8,527	9,351	6,847	6,917
Direct Dollars at Issue (Millions)	\$85,561	\$62,645	\$73,351	\$83,480
Received and Referred to U.S. Attorneys	3,488	3,580	3,694	3,798

The chart to the right shows the percent of dollar claims defeated by the Torts Branch over the past five years. It reveals that the Branch continued its tradition of success in 1992 and defeated 96 percent of 'ollar chaims. Summeries of specific accomplishments of the past year follow.

Aviation Litigation. In 1992, the Branch auccessfully shielded the Signyerment from tort liability in several major air crash cases. This included denial of cartiorari in the \$200 million Dalta/Dry cases and the included denial of the United States from the Ran Auliockathia litigation with over \$300 million in potential liability. In other aviation litigation, a confidential settlament was reached in the 1990 Aviance air crash diseaser, with the airline and the U.S. splitting most damages on a 70/30 percentage Dasis. Also, the Branch achieved a favorable settlament in the 1991 USAIr/LAX runway collision cases, with the airline insurers agreeing to contribute 15 percent of the damages. The Branch achieved a significant victory in the case resulting from the crash which killed country singer Reba McEntire's band, with the aircraft insurers paying 75 percent of damages. In the Operation Dasast Storm Friendly Piral cases, the Citali Division intervened and successfully argued for dismissal of the suits based upon assertions involved.



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Admiralty Litigation. The Branch continued to be involved in the EXXON VALDES oil spill litigation: the record \$1.1 billion civil settlement was followed by a \$35 million settlement with Alyeska for its inadequacies in the preparedness to clean-up the oil spill. Successes in other admiralty matters included the dismissal of vessel property damage claims arising out of Operation Just Cause and the recovery of \$1.5 million for the Army Corps of Engineers in the MANDAM collision case.

Anderal Redaral Tork Claims Act (ETCA) Likigation. The Branch successfully defended claims under the FTCA that resulted from a wide variety of contexts. The Branch prevailed in Balmacada v. United States and related suits by exporters of Chilean grapes seeking \$300 million, contending that the Food & Drug Administration overreacted to cyanide laced grapes, injuring their ability to sell their product to American customers. In Daniel LeBonie v. United States, the Court held that failure to regulate the Muslapia Indian tribes white water rafting operations in Grand Canyon National Park was barred by the FTCA's discretionary function exception, in the context of a personal injury suit. In Daniels v. United States, the Court rejected a claim that a work place injury resulting from equipment approved by an Occupational Safety and Health Administration inspector could give rise to FTCA liability. In Remarco v. United States, the Branch successfully defeated a \$35 million medical malpractice suit arising from the premature birth of a severely mentally and physically impaired child at a military hospital.

Askeston litigation. The Branch secured the termination of several major attempts by asbestos product manufacturers to force the U.S. to reimburse them for millions of dollars of their own tort liability. In the most significant victory to date, the Supreme Court defacts datalonal review of Pederal Claims's datalisal, on summary judgment, of Tucker Act claims brought in GAP. V. U.S. This victory should serve as a precedent berring future similar Tucker Act suits. In UML. Eagle-Picher and Empley. U.S., the Pederal Circuit affirmed the Court of Pederal Claims jurisdatchonal dismissals of suits brought by several asbestos companies; the Supreme Court has granted Keene Corporation <u>gartiorals</u> review. In Caldral, v. U.S., a Pennsylvania case in which prisoners alleged exposure to asbestos, and in <u>Kans. V. U.S.</u>, a claim involving assertions of property damaged by asbestos, the Branch secured discretionary function victories on summary judgment. Pinally, the Branch secured secences are subsected agreements from UNR Industries and Eagle-Picher Industries to voluntarily dismiss millions of dollars of claims based on suits brought against those companies by approximately 2,000 underlying plaintiffs.

Agent Orange Litigation. The Branch defeated the efforts of Hercules Incorporated and Wm. T. Thompson Company to shift to the United States \$30 million in losses arising out of those companies' litigation and settlement with servicemen and others alleging injuries caused by Agent Orange, Which was purchased and used by the military during the Vaenman War. In Hazculas, v. U.S. and Mm. T. Thompson v. U.S., the Court of Federal Claims granted the Government's motions for summary judgment, ruling that the companies could not recover under the Tucker Act for such costs. These decisions, if affitmed on appeal, should serve as precedent for dismissal of a \$25 million Tucker Act claim brought by Maxus Energy Corporation.

Toxic Toxic Litigation. In 1992, the Branch achieved victories in several major pieces of toxic tort litigation. In <u>Figuaros v. U.S.</u>, the Court granted a motion to dismiss over \$693 million in claims brought by 252 present or former Federal and civilian employees besed upon the exclusive remedy provision of the FTCA. In <u>Mondana v. U.S.</u>, a case involving allegations of groundwater conteamination at the Hipps Road Landfill in Jacksonville, Florida, plaintiffs sought damages of \$469 million. The Court found the Government liable to only one of twelve test plaintiff cases, holding losses to a nominal amount. In <u>Displaintiff</u> the Government liable to only one of twelve test plaintiff cases, holding losses to a nominal amount. In <u>Displaintiff</u> function acception in a multi-plaintiff, \$90 million suit arising out of cleanup activities at the Rocky Mountain Arsenal outside of Denver, Colorado. In <u>Mariain v. U.S.</u>, two companies and \$9 individuals claimed damages for personal injuries, property damage contamination emanating from the Tvin City Army Ammunition Plant. Plaintiffs agreed to accept a settlement tepresented less than two persons of the amount they had sought in this property damage from groundwater allegedly contaminated by activities at McClellan Air Force Base. In <u>United States & Markedh, M. E. A.</u>, the United States initiated action against Martech and other companies asserting violations of the Clean Ander and other work practice during the course of an asbestos removal project. Martech's counterclaim, alleging the volumented benefit and other work practice to the negligent acts of the Bnvironamental Protection Agency and the Occupational Safety and Health Administration were dismissed.

** ********* <u>Constitutional Toxts</u>. The Branch continued its success in defending suits seeking to recover damages from Government employees for actions taken within the scope of their employment. In <u>Cedar Vals Bank Holding Co. v. Kansas, st. al.</u>, the Branch obtained dismissal of a suit alleging that actions by the Federal Deposit Insurance Corporation under the Bank Merger Act coursed the failure of a bank owned by plaintiffs. The Branch also successfully defended a series of constitutional tort actions seeking damages against Federal Aviation Administration employees upon the grounds that their revocation of pilots' licenses violated due process

Compensation Programs. In late March of 1992, the Attorney General issued final regulations implementing the Radiation Exposure Compensation Act, as administered by the Civil Division. Between April 1992, and March 1993, 2,609 claims were filled. Of these, the Branch approved 477 claims, for a total payment value of approximately \$36 million, and denied 206 claims. In vaccine litigation, the Branch is currently besieged with over 3,600 pending cases from the National Childhood Vaccine Injury Act. However, its attorneys continued their remarkable success in vaccine litigation, prevailing in almost 80 percent of the cases were resolved, with 162 claims resulting in compensation awards. Largely through the negotiation of favorable settlements, the average injury award has decilned by 27 spercent during the last two years. With an average tort liability of \$1 million in each vaccine case, the Branch saved the Treasury well over \$100 million in 1992.

Automated Litigation Support (ALS) Accomplishments. ALS played a significant role in the majority of victories described above. The services were pivotal in Dalia, asbestes litigation, Elguaroa and Marlain. ALS was also crucial to achieving the landmark \$1.1 billion settlement in EXION-VALDER. By providing a nationwide network of systems and services, ALS became the focal point not only for documents and data, but also for management information essential to planning the litigation. Finally, ALS has been indispensable in support of the Vaccine Injury Compensation Program where thousands of claims must be managed and tracked.

PROGRAM CHANGES:	1924 Bane	Age	1884	at in		Indre	Dec/Dec	COARR
Torts Litigation	231 229	\$36,691		229 229	231 229 \$36,371	1	북:	Post WX Amount (#320)
A program decrease of \$61,000 in personnel savings will be restized. A program decrease of \$259,000 is required to reduce	11 be real	ixed. A pro	gram dec	rease	of \$259, C	100 is r	equirec	to reduc

administrative expenses to assist in controlling the Federal deficit. The reduction will be accomplished through cuts to funding for administrative support contracts. Lower employment levels combined with reductions in administrative support will require the Torts Branch to focus on the highest priority cases. As a result, it may be necessary to decline some viable referrals and increase the number of cases referred to the U.S. Attorneys.

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<u>LONG-RANGE GOAL</u>: To protect the financial interests of the United States through the recovery and collection of monies owed the Government's commercial interests in defensive litigation.

HAJOR OBJECTIVES

To save the Treasury money by winning laveuits and obtaining favorable settlements of contract, intellectual property, international trade and Government employment litigation brought against the United States.

To collect money owed the United States as a result of defaulted contracts, unpaid loans, unsatisfied judgments, breach of grant agressents and misuse of benefit programs.

To recover funds lost through fraud and corruption in Government programs and to deter future losses by collecting the statutory penalties allowed for such violations.

To defend Government policies and programs challenged in litigation involving money damages.

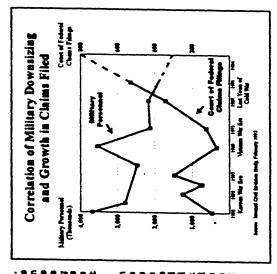
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activities, it becomes involved in the complete spectrum of legal problems and disputes encountered by any complex commercial enterprise. It is the mission of the Commercial Litigation Branch to protect the Treasortions seeking monetary judgments equinct the United States and initiate civil actions to collect money oved the Covernment as a result of various commercial and statutory activities. The Branch also conducts litigation atising from fraud, bribary and official misconduct such as that uncovered in the Savings and Loan industry; the collection of civil fines and loan defaults; and challenges to Government personnel actions.

In terms of sheer magnitude, defensive litigation dominates the Branch's workload. The steady rise in resource-devouring Court of Federal Claims cases which place at risk billions of U.S. Treasury dollars are becoming commonplace — as exemplified by the budget-bushing, multi-billion mollar McDonnell Bouglas A-13 Stealth fighter and Boeing Peace Shield claims. The requirements of these massive cases, with their combined document bouglas A-13 Stealth fighter and Boeing Peace Shield claims. The requirements of these massive cases, with their combined document collections of nearly 80 million pages, are both unprecedented and staggeting. Not only are forbidding monetary claims involved but the contract mechanisms which aid in controlling spending are also under attack.

The end of the Cold War has led to major scale backs of Defense programs. Consequently, the decrease in Defense procurement is leading contractors, who are feeling the loss of busines, to be less inclined to settle contract disputes. Given the inverse correlation between Defense spending and contract claims —— as illustrated in the chart to the right —— the Beanch expects a surge in these claims from 1991 to 1994. The loss of a key case could set dangerous precedents undermining the Government's financial interests. At a time when deficit containment is critical, the preservation of these interests is paramount. The Government's adversaries are formidable and the stakes are high. In 1992, defensive dollars at lesse approached a whopping \$20 billion.

Despite growing defensive responsibilities, the Branch is making major strides in generating Treasury revenues in a host of affirmative cases. In 1989, affirmative litigation represented 15 percent of the Branch's caseload. Through the vigorous pursuit of money lost through fraud, bankruptcy and losn defaults, affirmative litigation represented 22 percent of the Branch's workload by the end of 1992. The work is paying off: in 1992, recoveries received \$1.4 billion. One notable trend within affirmative litigation is the growing number of the Branch's suits initiated by private citizens. Enected in 1986, the goal fraud lawnits on behelf of the United Betates and share in the proceeds of any recovery. Only has suits continue to require more and more of the Fraud Staff's time: constituting just four percent of the Branch's affirmative trial caseload in 1989, gui tam time grew to 15 percent in 1992 and is expected to expand to 17 percent by 1994.



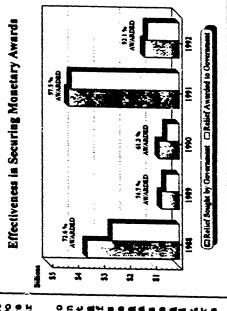
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ACCOMPLISHMENTS AND MORKICAD: The workload of the Commercial Litigation Branch is presented in the following table:

o . Tree.	1881	7667	1993	1993 Batimates 1994
Cases Handled by Commercial Staff Pending Beginning of Year	7,950	7,321	7,288	1,771
Received During Year	2, 995 3, 625	3,620	4, 166 3, 683	3,976
Pending End of Year	7,321 \$25,409	7,288 \$27,306	7,771 \$29,880	7,980 \$31,100
Received and Referred to U.S. Attorneys	5,679	9,356	5,744	. 6,620

The chart to the right shows the percent of dollar claims won by the Commercial Litigation Branch over the past five years. Over the last two years, the Branch was particularly successful in gaining affirmative dollar claims. Summeries of specific accomplishments of the past year follow.

Court of Federal Claims. The Court of Federal Claims Staff continues to successfully defend the Government against claims which threaten to drain the Treasury of billions of dollars. The following cases represent significant accomplishments: in American Satallite Co. v. United States and Mightes Communications Galary, Inc. v. United States, the Court of Federal Claims rejected two firms, olaims challenging the Government's decision not to launch their satallites on the Space Shuttle, saving the Government \$70 million and \$240 million, respectively. In Amron Marine Shibbing Co. v. United States, the Court of Federal Claims dismissed a \$176 million claim by several shipowners for operating cost subsidies stemming from the increase in the price of fuel oil from 1973 to the present, purchased to operate their bulk cargo vessels. In Kollaman, a Division of Sagua Corp. v. United States, the Court dismissed a \$14 million claim for pre-contract avard production costs. In Stone Forest companies, totalling \$12 million, on the grounds that the claims were barred by the statute of limitations.

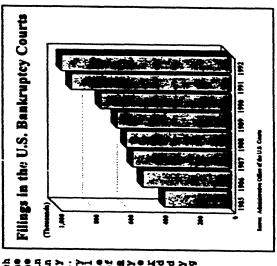


Court of Appeals for the Pederal Circuit. In California Housing Securities, Inc. v. United States, the Pederal Circuit affirmed the Court of Péderal Claims' holding that the appointment and actions of the Resolution Trust Corporation (RTC) as conservator and receiver for Saratoge Savings and Loan Association were not a compensable physical taking within the meaning of the Tith Amendment, aswing the Government \$18 million. In Munix v. United States, the Federal Circuit affirmed the dismissal of three sparate suits, brought by a total of 142 Federal employees in the Courts and the Court of Federal Claims, seeking entitlement to various forms of pay, including severance, premium or overtime pay.

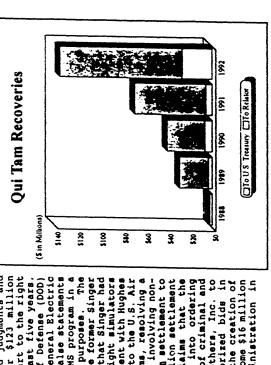
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International Trade. In Kalan, Ind. v. United States, the Pederal Circuit, reversing the Court of International Trade, held that the Customs Service was not required to pay any interest on refunds of duties which had been paid by the importer at the time of entry. About 70 cases, including four class actions, seeking payment of interest on duty refunds have been brought against the Government in the wake of the lower Court's decision in Kalan. Had the Federal Circuit not reversed the lower Court's decision, the Government's potential liability for unpaid interest in all these cases was estimated at \$50 million.

General Commitcial Litigation. In ongoing litigation against ECI holdings, Eranch attorneys teamed up with the Criminal Division and obtained an order allowing the U.S. Marshals Service to ealse \$93 million held by ICIC, Investments Lit. The Eranch began representing Federal banking agencies in commercial litigation in 1992. However successes were achieved in these suits at a far lower cost than what the banking agencies would have incurred using private counsel. Earling steadily since 1983, as shown in the observation of the interests in numerous bankruptcy cases, including those involving the commercial and regulatory interests in numerous bankruptcy cases, including those involving the commercial airlines of Fan Am, Continental, Eastern and TMA. Branch representation of the Right. Geographic and desulted loans during the past year: in Colorado-Litz Electric Geographics and Mar Marshing for full repayment of RA loans, in the amounts of \$487 million and \$281 million respectively. In Edunavilla Power Administration, It also schieved a favorable settlement in the \$7 billion bond default litigation. It also achieved a synchile for the costs of two terminated nuclear power plants —— reducing the possible damages from over \$1 billion to a fraction of that amount.



Exaud Litigation. In 1992, over \$258 million was obtained in fraud judgmonts and settlements. A total of 18 gul tam suits were filed and over \$123 million recovered, including over \$12 million received by relators. The chart to the right illustrates the phenomenal growth in gul tam recoveries over the past five years. The two largest gul tam settlements in 1992 involved Department of Defense (DDD) procurement fraud. The first was a \$59.5 million settlement with General Electric Company involving charges that GR Aircraft Engines knowingly made false statements to the Defense Security Assistance Agency as part of the Israeli FMS program in a way that allowed United States funds to be used for unauthorized purposes. The second was a \$55.5 million settlement with Bicoastal Corporation (the former Singer Company) and CAE-Link Corporation, its successor, to resolve claims that Singer had fraudulently inflated dis cost proposals to menufacture military flight singer had from 1980 to 1988. Other DOD matters included an \$11 million settlement with Hughes Aircraft Company for damages resulting from its false certification to the U.S. Air Porce and as \$6 million settlement with General Dynamics Lend Systems, resolving a civil suit alleging the submission of false data. Praud recoveries into ordering medically unnecessary blood tests. As part of a global settlement of criminal and civil liability, the Branch recovered \$13 million from Solomon Brothers Inc. to settle its civil fraud liability arising from solomon's unauthorized bids in auctions of United States Treasury debt securities and assisted in the creation of settle its civil grand Publicas With The Branch also recovered some \$16 million from soluments and also recovered some \$16 million from soluments with the General Services Administration in from contractors of computer equipment and maintenance.



In United States v. NEC Information Technologies, the Branch recovered \$2.7 million from 10 Japanese Foreign Litigation.

Intellectual Property Litigation. The Branch continues to defend the Government in complex patent suits brought to recover compensation for the alleged misuse of inventions. In <u>DeGraffenried v. United States</u>, the Court of Appeals for the Federal Circuit affirmed the judgment of the Court of Federal Cialms which rejected plaintiff a theory of compensation for the Army's use of patented controllers in boring cannon barrels, saving the Government over \$29 million. In <u>Leaten W. United States</u>, the Court of Federal Claims denied amulti-million dollar claim and agreed that the Government cannot be liable for the use of patented inventions by health care providers who were reimbursed for their services under the Medicare and CHANPUS programs. In <u>Mornback v. United States</u>, the Branch defeated a claim brought under the Nowation Secrecy Act in the U.S. District Court for the Southern District of California seeking over \$10 million in damages allegedly caused by a secrecy order imposed on a patent application relating to a missile guidance system. In <u>Marcolylas v. United States</u>, in which the plaintiff sought several million dollars in compensation for the use by the Department of Defense of certain laser and ballistic protective system that allegedly infringed two patents, the Court of Federal Claims agreed with our position that the patent was not infringed by the Government.

Automated Lititation Eupport (ALS) Accompliahments. In Reging y, United States, where over \$2 billion is at issue, ALS mounted one of the largest document acquisition efforts in the history of litigation support, capturing 7 million pages of microfilm at dozens of sites in the U.S. and Saudi Arabia. Over 1 million documents have been loaded to the Booling database, with more to come in the years ahead. Hearwhile, in the \$2.7 billion A-12 stealth fighter litigation, McDonnall Douglas Corp. and Ganaral Donnamics Corp. V. United States, the ALS required is unprecedented in scope and complexity. The Government faces a rigorous discovery schedule involving an estimated 70 million pages of evidentiary materials, any of which are subject to national security restrictions relative to the A-12 technology. A Top Secret facility has been established and staffed and over 600,000 pages have been produced for plaintiffs to date. In <u>Groves-Akkingon-Bal</u>, where over \$45 million was at issue, the strategic use of ALS to assemble a disarming array of evidence was invaluable in reaching a settlement which defeated \$37 million in plaintiff claims.

PROGRAM CHANGES:	1994 Basel	ine		atia	te	Incres	Ded/es	2000
Commercial Litigation	Por. WX 324 310	Amount \$38,272		¥ee	Porm. Prount Post HX Amount 320 310 \$37,480 (4) (\$792)	1 €	복:	Amount (\$792)
A program decrease of 4 positions (3 attorneys, 1 non-attorney) and \$407,000 is required to meet personnel level established by the Administation. The reduction will be achieved by extending the current hiring freeze throughout 1994 A program decrease of \$385,000 is required to reduce administrative expenses to assist in controlling the Federal deficit	non-attori l be achieva	ney) and ed by exte ive expens	\$407,000 inding the	is r	equired to ent hiring n controll	freeze	person throug Federa	hout 1994 hout 1994 deficit

established by the Administration. The reduction will be achieved by extending the current hiring freeze throughout 1994. A program decrease of \$385,000 is required to reduce administrative expenses to assist in controlling the Federal deficit. The reduction will be accomplished through outs to funding for administrative support contracts. Lower employment levels combined with reductions in administrative support will require the Commercial Editgation Branch to focus on the highest priority cases. As a result, it may be necessary to decline some viable referrals and increase the number of cases referred to the U.S. Attorneys.

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<u>LONG-RANGE GOAL</u>: To successfully defend against challenges to Federal civil programs, policies and initiatives and to enforce remedies for statutory violations of Federal programs.

HAJOR OBJECTIVES

Pederal Pro

To prevail on behalf of the United States in civil litigation in defense of the programs, policies, initiatives and decisions of the President, Executive Branches.

to initiate and prevail in affirmative litigation aimed at remedying statutory and regulatory violations.

PASE PROGRAM DESCRIPTION: The Federal Programs Branch is the legal representative for one of the largest client's on earth -- the United States Government. Because the Government's impact is so vast and varied, its programs and policies frequently come under fire -- not only in the press, but in the civil courts as well. High-profile policy changes, regulatory initiatives and the introduction of new programs have always triggered a round of civil challenges. Though policies vary from administration, the Federal Programs Branch's role is steadfast -- to provide quality legal representation to support Government programs and initiatives.

Given the vast array of Government activities spanning agencies, Members of Congress, the Federal judiciary, Cabinet members and other Federal executives, officers and employees, the Branch's litigation is broad and diverse. Much of it involves entitlement programs and has potentially massive impacts on the Federal Treasury. Judicial decisions affecting programs such as Social Security can entitle plaintiffs to Federal benefits costing millions -- if not billions -- of dollars over the life as Social Secol Secol

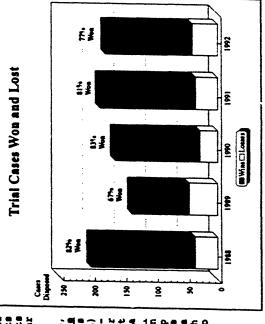
Other litigation is crucial to the support of major Government policies and initiatives. The Branch's 1992 docket included challenges to the former Administration's stand on homosexuals in the military, a multitude of Medicare and Medicaid provisions and numerous HUD policies and regulations. Tomorrow's docket could see a host of challenges to reversals on previous positions, as well as suits contesting new regulations, especially those stemming from reform of the Nation's health care system. Meanwhile, ongoing enforcement of controversial banking regulations and pursuit of civil penalties under FIRREA will continue to be opposed in the courts.

ACCOMPLISHMENTS AND WORKLOAD: The workload of the Pederal Programs Branch is presented in the following table:

Ith	1881	1992	1993 Estimates 19	1994
Cases Mandled by Federal Programs Staff Pending Beginning of Year Received During Year	9 9 7	6901	80 4 4 64 60 6 64 60 6	9 P P P P P P P P P P P P P P P P P P P
Terminated During Year Pending End of Year Direct Dollars at Issue (Millions)	\$1,089	61,357	629 629 81,679	483 683 \$2,511
Received and Referred to U.S. Attorneys 2,455	2,455	2,569	2,659	2,786

The chart to the right shows the Branch's successful outcomes in trial cases over the past five years. In 1992, the Branch continued its winning pattern in the courts and was successful in 77 percent of its trial cases. Summaries of specific accomplishments of the past year follow.

Mealth Care Litigation, Victory was achieved in two consolidated cases, Riue Cross and Riue Shield Association v. Sullivan and Health Insurance Association of Association v. Sullivan. These cases challenged a series of regulations issued by the Health Care Financing Administration (HCTA) of regulations issued by the Health Care Financing Administration (HCTA) of regulations assued by the Health Care Financing Administration (HCTA) of regulations points a secondary Payer (HSP) program. This multimallion dollar program governe the Government's rights to recover Nedicare monies paid for medical services where it is later learned that payment for the Branch was also successful in AAQ_V. Sullivan, an action challenging the Department of Health and Human Bervices' (HHS) authority to conduct demonstration projects to develop more efficient payment and reimbursement methodologies under the Medicare program. And, the Branch prevailed in an action brought by a physician challanging the standards used by the National Health Scholarship Corps (NHSC), a component of the Public Health Service, to declare him in default of his WHSC service obligation.



<u>Sayings and Loan Litigation</u>. In an unprecedented action to hold professionals accountable for their roles in the Savings and Loan crisis, the Branch obtained a \$41 million settlement of an Office of Thrift Supervision (OTS) Notice of Charges brought against the law firm of Raye, Scholer, Fierman, Hayes & Handler arising out of that firm's representation of Lincoln Savings and Loan. In other representation of OTS, the Branch successfully negotiated orders of prohibition against two directors of a Savings and Loan in Chicago, Illinois. These directors had engaged in unsafe and unsound lending practices by approving highly speculative real estate loans without adequate appraisals.

Consus Litigation. In the past year the Branch has successfully defended the Commerce Department and the Census Bureau in a number of actions challenging various aspects of the 1990 decennial census. In Franklin v. Massachusetts and Franklin v. Mouse Stanch successfully defended the constitutionality of the statutory method of apportioning seets in the U.S. Mouse of Representatives and of the Commerce Department's decision to include overses military and Federal amployees in the apportionment counts. Both of these cases were heard by three judge courts and were immediately appealed, in conjunction with the Appellate Staff, to the Supreme Court, which found for the Government. In City of Detroit v. Commerce, the District Court stellate Staff, to the Supreme Court, which found for the Government. In City of Detroit of Detroit and to then stellated Detroit and to then stellated betraid the Court upheld the Court upheld the Court upheld the Court upheld the Consus Bureau's residence as a sesidents of the jurisdiction in which they are imprisoned instead of, as the District of Columbia vanted, as residents of the jurisdiction which ran the prison.

Robonic Sanctions Programs. The Branch has been successful to date in two suits involving Yugoslavian economic sanctions which challenge blocking notices issued by the Treasury Department's Office of Foreign Assets Control (OFAC) to companies decaded by OFAC to be owned or controlled by Yugoslavia. In Milana Ship Management Co. Inc. v. Management, the Court rejected plaintiff's attempt to unblock vessels which had been detained in the Port of New Orleans. Flaintiffis have filled a notice of appeal. In IPT Co. Inc. v. Treasury, the Court has denied the preliminary injunction sought by a New York corporations which had been blocked and whose activities have been severely limited because it is owned by two Yugoslav corporations. The Government has answered the complaint and filed a dispositive motion.

<u>Discrisination Settlement</u>. The Branch participated in negotiating a significant settlement between the FBI and a nationwide class of black Special Agents which is intended to resolve claims of alleged discrimination in promotions, assignments, training opportunities, awards and bonuses. In negotiating relief, the Branch allowed the FBI to resolve the classwide claim without the need for protracted and divisive litigation. Challenger FOIA Litigation. The Branch successfully negotiated a settlement in <u>Sarao v. NASA</u> which limited the scope of the plaintiff's Freedom of Information Act request for photographs and videotapes of the recovered parts of Space Shuttle Challenger orew module. The materials had been withheld on the basis that they were exempt from disclosure under the FOIA privacy provision, out of concern that release of these materials would invade the privacy of the orew members' families.

<u>Student Loan Litigation.</u> The Branch prevailed unanimously in 23 lawsuits filed by state and private nonprofit agencies that sominister the Federal Stafford Student Loan Program. The suits challenged the constitutionality of amendments to the program forcing the agencies to pay to the Secretary of Education \$250 million in "excess" cash reserves they had accumulated.

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Automated Litigation Support (ALS) Accompliabments. In reaching a \$41 million settlement with the New York law firm of Kaye, Scholer, Flerman, Hayes & Handler in the precedent-setting professional liability case, In. of Kaye. Scholer, the Government used ALS to quickly identify and develop evidentiary exhibits. Due in large part to the preparedness made possible by ALS, settlement was reached only one week after the Government filed its Notice of Charges. In Sandara v. HUD, HUD's failure to respond in a timely manner to plaintiffs' production request led the Court to order the Government to accomment to produce its documents. ALS paralegals screened one million pages and produced a detailed list of responsive documents, which enabled the Government to meet the Court's deadline.

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	PROGRAM CHANGES	Federal Programs
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A program decrease of 8 positions (6 attorneys, 2 non-attorneys) and \$132,000 is required to meet personnel levels established by the Administration. The reduction will be achieved by extending the current hiring freeze throughout 1994. Lower employment levels will require the Federal Programs Branch to focus on the highest priority cases. As a result, there may be some increase in the number of cases referred to the U.S. Attorneys.

Anticipated 1994 Baseline 1994 Estimate Ingresse/Degresse	1993 Apr	propr	lation	1994 B	attass		1994	Setimet		Ingree	Dec/Dec	CEARE	
sumer Litigation	35	Ħ°	Amount \$3,545	Pos.	¥e	Amount \$3,752	25°	ZE.	Amount \$3,682	Pos.	별 :	Pos. WX Amount (\$70)	
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practices. deceptive trade or harmful products and from unfair and To protect consumers from defective LONG-RANGE GOAL:

MAJOR OBJECTIVES

To provide effective enforcement of Federal consumer protection statutes through the institution of affirmative civil litigation.

To consider the prosecutorial merit of criminal matters under consumer protection statutes and initiate or assist in the conduct of appropriate criminal proceedings.

To represent the United States in defensive litigation when initiatives and programs of the principal consumer protection agencies are challenged.

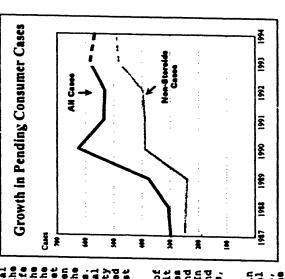
To counter drug trafficking by investigating black-market operations and securing criminal prosecutions

BASE PROGRAM DESCRIPTION: The Office of Consumer Litigation serves as a focal point and coordinator for Federal consumer protection efforts. In this role, the Office conducts litigation under Federal statutes that protect public health and safety and sequence unfair and deceptive trade practices in interstate commerce. The Office defends the programs, policies and decisions of the Government in consumer-related areas and enforces those policies by both civil and criminal sanctions in order to avert health risks to the public and to deter economic fraud.

Referrals from the Food and Drug Administration (FDA), which carry the potential to result in criminal prosecutions, constitute a major and growing focus of the Office initiates affirmative litigation to ensure that unsafe and adulterated foods and drugs do not reach the marketplace, protects the integrity of the drug approval process and enforces Federal policies in the regulation of foods. In 1991, the FDA added \$30 million to its enforcement budget and increased its field staff by 25 percent. Added enforcement perconnel will open the door to more investigations, leading to more referrals and more cases. In the past, these cases were, for the most part, relatively simple misdemeanor cases. However, FDA referrals now are largely felony prosecutions for diverse illegal activity. The Office a growing investigations concerning the safety of the Nation's blood supply, as well as the possible original activity associated with Dow Corning's manufacture, promotion and sale of silicons-filled breast implants.

Other litigation targets activities which cost American consumers billions of dollars annually -- odometer tampering, unfair debt collection and consumer credit practices and door-to-door and mail order sales. The Office also enforces administrative orders relating to price fixing and divestiture, unfair and deceptive advertising practices, and oigerette and automobile labeling. In addition, the Office defends the Government in challenges to Federal policies and initiatives aimed at protecting the public in its purchases of foods, drugs, medical devices and other consumer products.

With the re-classification of steroids as a Schedule III Controlled Substance in 1991, jurisdiction over real anabolic steroids cases switched to the Criminal Division. Even with this re-assignment of steroids cases from the Civil Division, the Office's caseload continued to increase through 1992, as illustrated in the chart to the right.



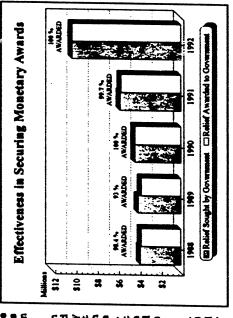
ACCORDINGENERAL AND MORKEGAD: The workload of the Office of Consumer Litigation is presented in the following table:

•n	1881	1992	1903 Estimates 1994	1994
hase Handled by Consumer Staff Pending Regining of Year	80 400	16 16 16	531	28
Received During Year	269	700	337	268
Terminated During Year	288	224	285	284
Pending End of Year	535	531	583	267
Fines and Penalties Imposed (Millions)	\$9.6	\$12.4	\$14.7	\$14.5
delved and Referred to U.S. Attorneys	215	258	234	255

The chart to the right shows the percent of dollar claims won by the Office over the last five years. It reveals that the Office continued its remarkable history of success and won 100 percent of dollar claims in 1992. Summaries of specific accomplishments of the past year follow.

Food and Drug Administration (FDA) Litigation. The Office, in conjunction with the U.S. Attorney's Office for the District of Maryland, continued the offensive against generic drug firms who defraud the United States by illegally obtaining abbreviated new drug applications. To date, that effort has netted convictions of 3 individuals and nine corporations with fines totalling more than \$23 million, including a \$10 million with against Bolar, one of the largest generic drug firms in the country. While this investigation has focused primarily on generic drug firms, it has been expanded to encompass innovator firms as well. Those investigations will center around intentional deviations from approved formulas coupled with the preparation of fraudulent manufacturing records in order to hide those deviations from the FDA.

In steroids-substitutes litigation, the Office obtained criminal convictions against 12 individuals and filed criminal charges against 20 individuals for illegally manufacturing and distributing GHB and clenbuterol, unapproved drugs advertised as steroids-surrogates. Over \$675,000 of steroids-substitutes were seized in the past year.



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The Office carried on its efforts seeking criminal enforcement against those who were diverting human growth hormone from the legitimate to the black market with an investigation into diversion in the Los Angeles metropolitan area. In addition, the Office continued to speanhead a Nationwide investigation relating to the smuggling, manufacturing and distribution of unapproved antibiotics and similar types of drugs intended for use in food-producing animals. Since undertaking this investigation, over 50 tons of unapproved drugs worth more than \$2 million have been as acted of seeven companies and individuals have been convicted, with fines totalling more than \$2 million. The Office also obtained a significant victory in United States v. Richlyn Laboratories, et al. In this case, the District Court entered a preliminary injunction order producters, menufacturers of approximately 125 over the counter and prescription drugs, from introducing any drug products into interstate commerce until the firm complies with the requirements for current manufacturing practices. This was one of six injunctions obtained against drug manufacturers which failed to manufacture their products in conformity with good manufacturing practices.

Health Care Praud. In a continuing effort to combat health fraud in the form of prescription drug diversion, the Office, in conjunction with the U.S. Attorneys, assisted the Federal Bureau of Investigation (FBI) in planning and implementing the highly successful operation Gold Pill. The Office is litigating ten civil actions, each seeking to enjoin the manufacture and distribution of worthless drugs and devices offered by various purveyors of "quack" cures.

Economic Crime Litigation. The Office continued to prosecute used car dealers engaged in large-scale odometer tampering. In the past year, 14 individuals have pleaded or been found guilty in a series of prosecutions in Massachusetts, Texas, California, Tennessee and Pennsylvania, involving tens of thousands of cars. In <u>United States V. Whitlow</u>, a prosecution in Houston involving an odometer rollback ring featured in a <u>60 Minutes</u> segment on odometer tampering, five individuals were convicted and the leader of this ring was sentenced to seven years in prison. The Pifth Circuit Court of Appeals recently affirmed those convictions <u>Rederal Trade Commission (FTC) Litigation</u>. The Office successfully pursued 15 injunction and civil penalty actions against used car dealers across the United States. This litigation was directed at firms which were in clear violation of the FTC's rules governing the sale of used cars. The Office also employed alternative dispute resolution in a lawsuit against a major telementketing firm charged with a nationwide pattern and practice of deceptive magazine subscription sales via telephone. In a mini-trial before a Senior District Judge, the Government's affirmative case involving hundreds of thousands of consumers was favorably appraised. As a result, a favorable settlement is anticipated in the near future. In addition, the Office continued to assist in telemarketing fraud investigations across the country.

A program decrease of \$70,000 is required to reduce administrative expenses to assist in controlling the Federal deficit. The reduction will be accomplished through cuts to funding for administrative support contracts. At the 1994 resource level, the Office of Consumer Litigation will have to focus on the highest priority cases. As a result, it may be necessary to decline some viable referrals and increase the number of cases referred to the U.S. Attorneys.

<u>LONG-RANGE GOAL</u>: To successfully defend challenges to Immigration programs, policies and initiatives and to conduct civil litigation under the immigration and naturalization laws.

MAJOR OBJECTIVES

To prevail in all civil immigration litigation arising under the Immigration and Nationality Act and related laws, including appellate litigation challenging trial court or administrative decisions in favor of the United States.

To promote and uphold enforcement activities involving the apprehension, detention and expulsion of aliens who lack lawful authority to remain in the United States.

To represent the United States in civil litigation brought against officers of the Immigration and Naturalization Service and other immigration-interested agencies in their official capacities.

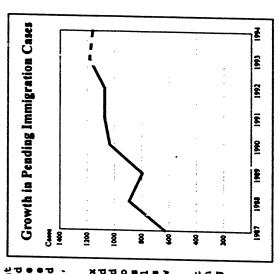
BASE PROGRAM DESCRIPTION: Throughout this Nation's history, immigration policy has been revamped periodically in reaction to the interplay of domestic needs and international events. Host administrations have had to grapple with the complex issues posed by the possibility of massive influxes of people. The ability to frame and implement a cogent immigration policy is a priority shared by the executive and legislative branches alike. That ability requires the existence of a cadre of attorneys fluent in immigration law who can provide a consistent and effective defense against challenges to immigration policies and procedures. This is the mission of the Office of Immigration Litigation.

Immigration litigation tends to be a volatile arena. This arises from the nature of the Immigration and Naturalisation Service's (IMS) mission -- to determine who will be authorized to work in the United States, who will be reunited with their families, who will be granted political asylum and who will be deported. INS determinations affect the Nation's labor pool, its conduct of foreign policy and its ability to secure its borders. INS has heightened its enforcement activities with the addition of 300 border partol agents and 200 investigators through a reprogramming action approved in 1992. These developments are expected to impact the caseload of the Office of Immigration Litigation, with Office attorneys increasingly being called upon to ensure that INS rulings are upheld in court.

Areas of immigration litigation include individual challenges to enforcement actions, class action attacks on statutes and programs as well as suits directed against Government officials responsible for regulating the Nation's borders. The Office is responsible for District and Circuit Court challenges to the apprehension, detention and deportation of aliens, the issuance of visas and passports and the Government's response to applications for naturalization, political asylum and other immigration benefits.

Recent political turmoil in Haiti and elsewhere has resulted in a massive influx of attempted migration to the United States. The Office's caseload has swelled to near crisis levels with numerous challenges to exclusion, expulsion and detention. No relief is in sight: expiration of the temporary status granted to many Salvadorans and Guatemalans in 1991 will feel case receipts. Other cases will emerge as INS bolsters its efforts to expedite the removal of criminal aliens. Finally, the Immigration Act of 1990, which entirely restructures exclusionary rules dating from 1952, will be contested by thousands who will now barred.

With greater numbers of aliens flocking to U.S. borders in response to recent political upheavals and economic misfortunes, the Office continues to battle an overflowing caseload. As illustrated in the chart to the right, the pending caseload has skyrocketed since 1987.



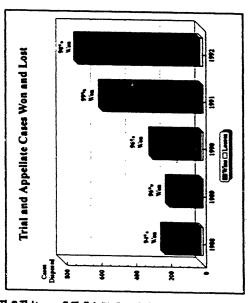
ACCOMPLISHMENTS AND HORKLOAD: The workload of the Office of Immigration Litigation is presented in the following table:

Iten	1991	1992	1993	1994
Cases Handled by Immigration Staff Pending Bedining of Year	826	1.075	1.073	1,184
Received During Year	1,158	1,200	1,265	1,092
Terminated During Year	1,041	1,202	1,104	1,114
Received and Referred to U.S. Attorneys	582	897	693	957

The chart to the right shows the Office's successful outcomes in trial and appellate cases over the past five years. It reveals that the Office continued its pattern of success in 1992 and won 98 percent of its trial and appellate cases. Summaries of specific accomplishments of the past year follow.

In <u>Ayala-Chayez v. INS</u>, <u>Soler v. Scott</u> and related cases, the Office confronts a growing docket of sults by criminal aliens seeking to avoid expulsion from the United States or to compel the Attorney General to remove detainers intended to assure expulsion after the aliens complete their criminal sentences. In <u>Ayala-Chayez</u>, the Court sustained the refusal of discretionary relief to a convicted drug offender; in <u>Soler</u>, the Ninth Circuit concluded (contrary to decisions in several other circuits) that Congress intended to provide a cause of action by which criminal aliens can challenge immigration detainers. The Supreme Court vacated <u>Soler</u> and directed dismissal of the action. The Office is presently handling numerous criminal alien cases arising under the recent amendments that restrict the rights and remedies available to such aliens and seek to expedite the aliens' removal from the United States.

In <u>Cuomo v. Barr</u>, the Office is defending a suit in which the State of New York seeks an order compelling the Attorney General to take and retain custody of certain aliens convicted of state crimes, an issue of substantial interest to many states. The District Court has rejected the principal part of plaintiffs, olaims.



In <u>Haitian Centexe Council V. McNarv.</u> Immigration attorneys, in conjunction with the Appellate Staff, are defending the high seas interdiction and repatriation of Haitian migrants. The plaintiffs challenge Executive Order 12324, Interdiction of Illegal Alians, on the basis of statutory and international law and claim a First Amendment right of access to alians who wish to travel to the United States to apply for asylum. The Office defeated similar claims in <u>Maitian Refuges Center V. Graces</u> and <u>Maitian Refuges Center V. Graces</u> and <u>Maitian Refuges Center V. Graces</u> and substantial court record of humanitarian efforts off-shore and at Guantanemo Bay, Cuba. Also in 1992, the Office continued to defend numerous cases in which Maxiel Cubane challenge the Attorney General's parole and repatriation determinations.

Ayuda V. Thornburgh, Catholic Social Sarvices V. Thornburgh and related cases challenge the Attorney General's procedures implementing the legalization and agricultural worker provisions of the Immigration Reform and Control Act of 1986 (IRCA). Plaintiffs seek to expand the classes of amnesty and agricultural worker beneficiaries and to limit INS authority to regulate the entry and employment of aliens seeking IRCA benefits. The Office secured a judgment from the D.C. Circuit that agreed with its jurisdictional defenses and has prepared the cases for pending Supreme Court consideration.

Automated Litigation Support (ALS) Accompliahments. In two very high-visibility cases, Haitian Rafuges Canter, Inc. V. Baker and Haitian Canters Council. Inc. V. MoNary, ALS databases tracked documents produced by five Federal agencies. This centralised, automated tracking system served two important functions: it prevented the inadvertent release of privileged or sensitive information; and it assured continuity in the positions taken across agencies with respect to documents being produced.

A program decrease of \$95,000 is required to reduce administrative expenses to assist in controlling the Federal deficit. The reduction will be accomplished through cuts to funding for administrative support contracts. At the 1994 resource level, the Office of Immigration Litigation will focus on the highest priority cases. As a result, it may be necessary to decline some viable referrals and increase the number of cases referred to the U.S. Attorneys.

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	4	distr	ated	1994 B	11000	3.6	1994	Katima.	93	Incre	Ded/ser	FRASS
	Perm.	3	Perm, Perm, Perm, Perm, Perm, Perm, Perm, Dos. MY Amount Dos. MY Amount Dos. MY Amount	Perm.	3	Amount	Port	3	Amount	Perm.	Š	Amount
Management and		1			1			1			1	
Administration	105	117	\$10,817	105	117	\$11,096	104	110	\$10,861	Ξ	(2)	(\$232)
TONG-BRANCE COAT. Direct the conduct and aurervision of all litigation and other matters delegated to the Civil Division by	*********	Pue	noteturen	114 90	11110	tion and	red to	4444	dolegated	+ 0 +	ניאנו	Division by

1993 Appropriation

Š LONG-RANGE GOAL: Direct the conduct and supervision of all littystion sind other metrers worsy the Attorney General and other Administration officials in an economical and successful manner

MAJOR OBJECTIVES:

- To provide legal guidance on Administration policies, programs and initiatives.
- To assist in reducing the Federal deficit by effectively managing high-stakes litigation and by avoiding unnecessary litigation costs.
- promote To invest in the highest celiber human capital and support systems to improve attorney productivity and excellence.

RASE PROGRAM DESCRIPTION: As the "Government's lawyer," the Civil Division is the guardian of programs vital to the Nation, representing up to 200 "clients" yearly from all branches of the Government in tens of thousands of high-stakes cases. The lion's share of cases involve monetary claims of often mammoth amounts. Dollars at issue totalled more than \$95 billion in 1992. While defensive suits compromised the majority of financial stakes, a growing number of attempts to recover millions of dollars defrauded the Government by health care providers and efforts to protect the Treasury from billions of dollars of losses in bankruptcy proceedings contributed substantially.

Other Civil Division cases involve high-profile policy issues. The topics of dispute range from health care programs to immigration practices to discrimination in the Federal work place. Examples from the past year include challenges to the prior Administration's position on abortion counseling at public clinics, suits contesting provisions of the Financial Institutions Reform, Recovery and Enforcement Act (FIREA) and enforcement of prescription drug regulations.

In the wake of the Government-wide fiscal crunch, Civil Division programs and initiatives are designed to squeese out savings while reducing overhead and support costs wherever and whenever possible. The Division goes to great lengths to contain costs, redirect resources from within and review avenues to generate additional savings and revenues. Recent and ongoing cost saving measures include:

Referring thousands of cases each year --- more than 13,700 in 1992 --- to the U.S. Attorneys for local bandling, capitalizing on the efficiencies of decentralization whenever possible.

0-32

Reducing the Management and Administration Offices' proportion of the Division's total staffing -- from 13 percent in 1985 to nine percent in 1992.

the Division's total 1992 travel budget. percent -- of five -- under Holding administrative travel to a negligible portion

Freezing employment at 1992 levels, filling only a handful of vacancies.

Consolidating space in two buildings, eliminating substantial amounts of unnecessary rental costs.

Cutting back on publications ordered, limiting them to those absolutely essential to the conduct of business.

While promoting cost consciousness, the Division also supports investments which enhance staff productivity and amplify the ability of its attorneys to prevail in the courtroom. Investments in the following state-of-the-art technologies have proven well worth their costs:

Automated Litigation Support (ALS). ALS is a chief factor in winning cases and enhancing productivity. It provides a highly practical means of putting millions of pages of evidentiary documents at attorneys' fingertips -- freeing them to develop legal theories and case strategies. Document screening, microfilming, computerization and trial preparation services provided via contract afford essential flexibility to a work environment characterized by sudden change. Unlike reliance on in-house talent, the ALS spigot can be turned on and off in response to precipitous case developments such as the influx in one day of some 4,000 Vaccine claims or the re-activation of the long-dormant multi-billion dollar MPPPSS litigation. With a veritable army of contract employees on call, attorneys can expect lightening-fast responses to emergencies -- a feature of the program which has been pivotal in winning cases ranging from EXXON VALDES to Kaya. Scholar.

Office automation. AMICUS is the Division's integrated, automated, legal and management system. When it was developed in 1981, AMICUS broke new ground in labor saving techniques. Now it serves over 3,100 employees Department-wide. By providing instant access to word processing, electronic mail, automated legal data bases and brief banks, electronic spreadsheets, database management and other internal and external databases. AMICUS enables better organization and management of work efforts, elements critical to greater efficiency and effectiveness.

Automated case management. CASES, the Division's Automated Case Management System, is a multi-purpose and invaluable management tool. Through CASES, the Division's managers are able to track cases from receipt to judgment enforcement, tracing litigation histories and evaluating trends and resource use with a few keystrokes. This productivity-enhancing innovation ushered in the legal divisions' first totally automated case management system and continues to set the standard for case and time tracking for the Department.

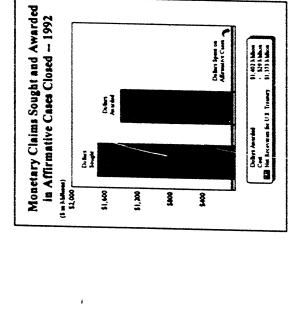
<u>ACCOMPLISHMENTS AND WORLLOAD</u>: The following table provides total summary data on cases personally handled by the Clv'l Division. The data is derived from CASES, the Division's automated case tracking and timekeeping dystem. Projections are based on historical data.

Item	1881	1992	1993	Batimates 1994
Cases Mandled by Civil Division Pending Beginning of Year	19,327	19,054	19,671	17,918
	766,8	10,688	12,896	11,589
Terminated During Year	9,267 19,054	16,071	14,649	11,241
Direct Dollars at Issue (Million)	\$8,640	\$5,358	\$6,185	\$6,723
Received and Referred to U.S. Attorneys	13,532	13,771	14,106	15,568
It is the Civil Division's business to defend Government policies and programs under attack in court and to enforce laws throug pursuit of civil remedies. But first and foremost, it is the Division's business to assist in reducing the Mederal deficit. A this atsociated the court and construction of claims analysed.	it is the Division of the mindered of the mind	d programs under attact on's business to assis	ok in court and to entity in reducing the Foundation	Morce laws throughders deficit.

this standard, the Civil Division schieved remarkable success in 1992. The Division defeated the vest majority of Claims against the Government, saving the Treasury literally billions of dollars. Awards and settlements were secured in a wide range of affirmative litigation including the professional liability suit against the lawfirm of haye, Scholer; DOD and health care fraud; Gui Lam suits; loan defaults; barkuptcies; counterfeit drugs and environmental damage. Highlights reveal that total collections far exceeded adverse claims awarded, generating a substantial net yield to the Treasury. The following was accomplished in 1992 with a budget of just over \$118 million:

- <u>Affirmative Averds</u>. The Division secured an astounding \$1.4 billion for the Government in court-imposed awards and negotiated settlements, including \$.7 billion for the restructuring of two Rural Blectrification Administration loans.
- <u>Collections</u>. Although many awards and settlements require long-term servicing, collections by the Civil Division or its client agencies totaled almost \$399 million, of which \$384 million was cash deposited in the Treasury, \$4 million was property transferred to the U.S. and \$11 million was offsets of agency obligations.
- <u>Defense Against Monetary Claims</u>. In cases defended by the Division, claimants sought a payout by the Government of \$9.9 billion. Approximately 98 percent of these claims were defeated, with the Government losses held to just \$220 million.

A graphic depiction of the Civil Division's profitability follows on the next page:



Monetary Claims Sought and Defeated in Defeasive Cases Closed - 1992

(8 in Mathema) \$12,000 p

\$10,000

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PROGRAM CHANGES:	1994 Baseline		1994 E	at ima	1994 Estimate Perm.	Incres	as/Dec	Increase/Decrease
	POR. HX		Pos.	HX	Amount	Pos.	Ħ	Amount
Administration	105 117	\$11,096	104	110	\$10,861	ĵ	3	(\$235)
	1	****		1			1	. 4 . 4 . 4 . 4 .

Dellan Dalamad Cust Ma Kases erus for US Treasery A program decrease of 1 position (1 non-attorney), 7 workyears and \$235,000 is required to meet personnel levels established by the Administration. The reduction will be achieved by extending the current hiring freeze throughout 1994. Lower employment levels will require the staff to focus on the highest priority management and administrative services.

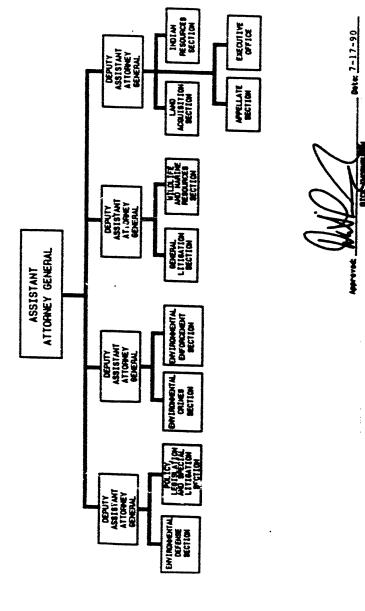
Civil Division

Salaries and expenses. General logal Activities

Detail of Permanent Positions by Catogory Fiscal Years 1992 - 1994

			1994	94
Category	1992 Authorized	1993 Authorized	Program Decreases	Total
Attorneys (905) Paralegal Specialists (950)	646 61	610 60	(οι)	009
Office Services (300-399)	318	and the second law is the interest of the second	(0)	311
Total	1,025	984	(13)	176
Washington U.S. Field Foreign Field	985 39	944 39 1	(13)	931 39 1
Total	1,025	≯86	(13)	176

ENVIRONMENT AND NATURAL RESOURCES DIVISION *



* Section Assignments Subject to Change

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Environment and Natural Resources Division

Salaries and Expenses, General Legal Activities

Crosswalk of 1991 Changes (Dollars in thousands)

													٠
	lation.	ted		Amount			\$2,576	1,5	;	29,123	12,206	4.029	51,445
	propr	icipa		ž	1		26		3			2	
	1993 Appropriation	Ant	Perm.	800			25	;	,			8	
	Permanent Position	orts		Amount			;	:	:	:	:	‡	:
	art R	and FTE Outs		3	1		;	:	:	7	:	1	7
	Perman	a	Perm.	8			;		:	7	:	1	7
		mines		Amount			;	•	:	:	:	1	:
		COOL		ž	1		:	:	:	:	:	7	:
		Rep	Pera.	808			:	:	:	:	:	1	:
ition Lion	8	Request		Amount			-\$12	-11	•	-3,377	<mark>ኛ</mark>	77	-3,485
ongressiona porcoriatio	s Actions on	3 Reg		ž	1		:		:	-22	:	1	-25
8 8		8	Perm.	8			:		:	-65	:	1	-85
	dent's	equest		Amount			\$2,588	3,528)	32,500	12,264	4,050	54,930
	1993 President's	Budget Re		ž	l		56	28	1	247	113	គ	447
	1993	P	Perm.	8	l		25	3	;	8	110	8	514
				Activity/Program	5. Land, Natural Resources and	Indian Matters	a. Federal Appellate Activity	b. Land Acquisition		c. Environmental Protection	d. General Litigation	e. Management and Administration	Total

<u>Condressional Appropriation Actions:</u> The 102nd Congress denied all program increases requested for environmental litigation. In addition, Congress applied a general reduction below the base level of the General Legal Activities appropriation. This resulted in a reduction of \$246,000 for the Environment and Natural Resources Division.

Environment and Natural Resources Division

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Salaries and Expenses, General Legal Activities

Surmary of Requirements

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Adjustments to base: 1993 as enacted 1993 appropriation and workyear reductions 1993 appropriation anticipated Transfer from Working Capital Fund Nandatory increases 1994 baseline 1994 baseline 1994 baseline	1993 Ag	1993 Appropriation	Ti							P	₹ 7 € : 3 T € E	Amount \$51,445 51,445 31,445 335,663 24,1594 54,159	
	Perm.	Anticipated	1	<u>8</u>	Basel	ine	Perm.	1994 Estimate erm.	ate	Incres.	XI	rease	
Estimates by kudget activity Federal Appellate Activity	B 8	₹3 78 78 78 78	Amount \$2,576	25 25	₩ 20 20 20 20 20 20 20 20 20 20 20 20 20	Amount \$2,712	25 <mark>28</mark>	38	Amount \$2,712	2 :	ቜ:	Amount:	
Land Acquisition	32					3,696	35	58	3,696	:	:	:	
Environmental Protection	220					099,0	214	215	29,865	φ	φ	-\$195	
General Litigation	110					2,850	110	113	12,850	:	:	:	
Management and Administration	8	•			•	1.241	8	7	4.241	1	∄,	1	
Tocal	425					(,159	419	‡	53, 364	٩	٩	(K)	

Environment and Natural Resources Division Summary of Resources by Program (Dollars in thousands)

							1993 ≯	ppropri	riation					•			!	
	1992	As Es	1992 As Enacted	a	1992 Actual	lan	Am	iche	ited	133	1994 Braeline	arita	8	1994 Estimate	pate		Š	TBASE
	Pera.			Pera.			Perm.			Perm.			Egg.			Ė		
	2	Ħ	Amount	Ź	呂	Amount	ā	Ħ	Amount	ā	Ħ	Archit	ā	Ħ	Front	ā	걸	Amount
ome, and		ľ																
Pederal Appellate	23	97	\$2,462	52	23	\$2,441	52		\$2,576	25	56	\$2,712	52	36	\$2,712	:	:	:
Land Acquisition	35	88	3,356	35	27	3,327	35		3,511	35	88	3,696	35	58	3,69¢	:	:	:
Environmental Protection	224	225	27,839	224	77,	27,606	220		29,123	220	221	30,660	214	215	29,865	ዋ	q	-\$795
General Litigation	110	3	11,667	91	106	11,327	110	113	12,206	911	113	12,850	911	113	12,850	:	:	:
Management & Administration	쮜	a	3.853	79	គ	3.826	2		4.029	8	7	177	শ	គ	4.241	1	1	7
Total	439	425	49,177	459	603	48,527	425		51,445	425	421	54,159	419	4 15	53,364	ዋ	φ	-795
Reimburmable		777			215			228			228			224			7	
Subtotal		929			624			649			5			639			-10	
Holiday		6			မာ			ស			S.			ن و			:	
Overtime		73			387		•	73			75		• -	75			1유	

Environment and Natural Resources Division

Salaries and Expenses, General Legal Activities

(Dollars in thousands)

	1993 Appropriation	opriation ipated	199	1994 Base	99	1994 Baseline	Base	ine	Incar	ase/D	ecrease
	Perm.		Perm.			Pera.			Ferna.		
	Pos. H		Pos	Ž	Amount	Pos.	Ì	Amount	ā	뉰	Amount
Federal Appellate	25 26			2	\$2,770	25	56	\$2,712	:	:	-\$58
Land Acquisition				88	3,776	32	88	3,696	:	:	8
Entromental Protection				221	31,322	220	221	30,660	:	:	-662
General Litigation				113	13,127	110	113	12,850	:	:	-277
Management & Administration	38	4,029		គ	4,668	87	a	4.241	1	=	-427
Total				421	55, 663	425	421	54,159	:	:	-1,504
Reimbursable	228 649			578 649			228 649			∄:	

Marrative Description

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Federal Appellate - The reduction of \$58,000 to this program's 1994 base will affect the ability of the program to pursue amigus fillings.

Ind Acquisition - The reduction of \$60,000 will force this program to curtail travel and the provision of litigation support to some cases. Environmental Protection - The reduction of \$661,000 will force the program to divert resources away from affirmative enforcement and criminal prosecutions to its burgeoning defensive caseload. In liau of profitable enforcement cases which frequently involve well-heeled Fortune 500 defendants, the program will focus upon the defensive caseload where we contribute to encounter staggering numbers of alleged environmental violations by federal facilities and counterclaims against the government, and where we have a localing numbers of alleged environmental regulations and prosecution and the reductions and controversal litigation trends underput his need: 10 orelaudy prosective EPA regulations is appeared and indicated ability in the law and a 504 increase in the number of claims; 2) highly contentions and expertingation edited property-criented shift in the law and a 504 increase in the number of claims; 3) novel applications of NEPA which threaten to undermine major Administration defense and energy initiatives such as the scheduled military base closings, a 1985 and influence to dispose of its chancel warraine stockpile (e.g., nerve and markard gas), and implementation of the \$151 billion surface transportation bill passed in becember of 1991. Failure to defend claims in these latter two categories will not only establish damaging precedents, but cost the Processing will again have to defer hirring or contracting additional browness and marked to hardle personnel, space management, systems, financial and management support services to a bivision whose workload between the processing the processing the processing the processing of the processing the processing the processing of the processing the processing the processing the processing

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Environment and Natural Resources Division Salaries and Expenses, General Legal Activities Justification of Program and Performance Activity Resource Summary (Dollars in thousants)

	255	ĕ	125100										
	¥	Licipa	ted	1994	Base	1994 Baseline	1994 Estimate	Estin	ate	Incres	36/Dec	3789.56	
	Perm.			Perm.			Perm.			Perm.			
	ğ	Ħ	Amount	ğ		Amount	8	Ħ	Amount	Ž	至	Amount	
Federal Appellate Activity	52	5 6	\$2,576			\$2,712	52		\$2,712	:	:	:	
Land Acquisition	35	5 8	3,511		28	3,696	25	88	3,696	:	:	:	
Environmental Protection	220		29,123			30,660			29,865	ዋ	Y	-\$195	
General Litigation	110		12,206	110		12,850		113	12,850	:	:	:	
Management & Administration	2	គ	4,029		H	4.241			4.241	1	1	******	
Total	425		51,445			54,159			53,364	φ	۴	-795	

This budget activity includes resources for the primary mission of the Environment and Natural Resources Division.

Increase/Decrease	Pos. MY Amount
1994 Estimate Perm.	Pos. MY Aucunt 25 26 \$2,712
1994 Baseline	Pos. MX Amount 25 26 \$2,712
1993 Appropriation Anticipated	Pos. MY Anount 25 26 \$2,576
	Federal Appellate Activity

To defend or assert the government's position in Environment and Natural Resources Division cases in the appellate courts. LONG-RANCE COAL:

PAJOR OBJECTIVES:

To defend successful trial court decisions and to file appeals from adverse decisions in all cases where appellate review is warranted.

To fully satisfy client agencies by formulating legal positions in appellate cases that best represent their interests.

To monitor private party cases and participate as gaigus curies in selected cases.

BASE FROTRIM DESCRIPTION: The Appellate unit of the Davironment and Natural Resources Division handles 95 percent of its cases as staff-lead, and works closely with the U.S. Attorneys and Division attorneys handling the remainder. Most work involves preparing briefs and oral arguments. This requires independent research as well as coordinating the positions of client agency staff and trial section attorneys, analyzing the bases for appeal, and seeking permission from the Solicitor General's Office to appeal adverse decisions. The unit also prepares draft briefs for the Solicitor General.

Estimates	1993 1994		300		275 250	290 290		150 150		817 867
1	1992		292		337	234	92	16	113	792
	1991	785	294		240	259	116	129	103	837
	Item	Pending, beginning of year	Cases/Matters received	Workload Production Estimates:	a. Cases/Matters closed	b. Briefs Filed	C. Oral Arguments	d. Memos for the Solicitor General	e. Substantive Motions	Pending, end of year

In 1992, the Appellate Section prevailed in 209 of its 225 appearances in the Courts of Appeals — a 904 "win rate". Two of the most significant appellate cases are discussed below.

In Mesa Operating Limited Partnership v. Dept. of the Interior, (5th Cir. 1991; cert. pending), the court of appeals upheld the Department of the Interior informs us that the upholding of Interior's interpretation — which results in an increased royalty for the United States — will have a short term benefit to the United States of approximately \$500 million dollars, and will continue to substantially benefit the government in the future because of the large amount of money involved in leases on government land.

Likewise, Matter of Pern Central Transportation QD., (3rd Cir. 1991; cert. denied March 3, 1992), has an important effect on the EPA. The Comprehensive Environmental Response, Compensation and Liability Act (CENCIA) allows the EPA, among others, to clean up sites which are seriously contaminated with hazardous substances, and then charge the parties which contributed to the hazard for the cost of the clean-up. In this case, the district court had nuled that the United States could not seek recovery from Penn Central because of its bankurptcy reorganization plan in 1978. The court of appeals reversed and allowed the United States to seek recovery. The appeals court ruled that because the government's CENCIA claim could not have been presented to the bankurptcy court, it should not be barred by the bankurptcy decree which otherwise discharged Penn Central's debts. This principle will be important in the recurring situations where a company which contributed to a hazardous site seeks to avoid CENCIA responsibility because it went through bankurbcy.

Increase/Decrease	Perm. Ros. MY Amount
1994 Estimate	Perm. Pos. MY Amount 32 28 \$3,696
1994 Baseline	Perm. Pos. MY Amount 32 28 \$3,696
1993 Appropriation Anticipated	Perm. Ros. MX Amount 32 28 \$3,511
	Iand Acquisition

<u>LONG-RANGE COAL</u>: To obtain real property necessary for public purposes through condemnation proceedings which exercise the sovereign power of eminent domain, securing the lowest possible compensation awards consonant with fairness to both landowners and the government.

MAJOR OBJECTIVES: To secure the lowest possible conpensation awards consonant with fairness to both landowners and the government.

To keep abreast of the condemnation caseload such that the backlog does not exceed the annual number of receipts.

BASE HACEAN DESCRIPTION: By means of the land acquisition program, properties needed for Congressionally authorized purposes, but which acquiring agencies are unable to directly purchase, are obtained through condemnation property owners. Acquisition by condemnation is a means of last resort; agencies are required by law, to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation and direct purchase before requesting condemnation. A top priority is to move these high-exposure cases expeditiously. BASE PROGRAM DESCRIPTION:

The unit condemns land for a myriad of federal public purposes authorized by Acts of Congress. Examples include the improvement and protection of navigable waterways, flood control, military facilities, national parks, forests, lake shores and seashores, scenic and wild river systems, reclamation and irrigation of arid lands in western states, electric power generation and transmission facilities, wildlife preserves, airports and air traffic control facilities, and buildings, offices and facilities for federal agencies. Unless the government is able to exercise eminent domain to acquire these lands, the public purposes for which they are needed will be frustrated.

The Land Acquisition Section includes units devoted to appraisal analysis, title research and opinions, and condemnation litigation. In most condemnation cases, the issue placed before the district courts is the fair value of property taken by the government, and thus the unit is heavily dependent on expert analysis and testimony.

that review ACCOPTAINMENTS AND HORGICAND: In 1991, the Division undertook a review of its docket and produced a statistical summary based on Workload figures displayed below represent a reconciliation between past workload data and the statistics derived from the review.

			Estimates	ates
Item	1881	1992	1993	1994
Pending, beginning of year	6,017	5,867	5,533	5,408
Tracts received		290	8	96
Tracts closed	755	924	825	825
Tracts pending, end of year	5,867	5,533	5,408	5,483
Preliminary Opinions of Title Prepared		63	75	8
Final Quinions of Title Prepared	205	95	500	150
Agency-delegated Title Opinions Reviewed	1,384	1,470	1,500	1,500
District Court Title Hearings (Tracts)	71	20	:	so
Appraisal Reviews (Tracts)	4 30	760	800	820

The program expects its workload in 1994 (and several years thereafter) to be significantly greater than prior years as a result of implementation of legislation authorizing two major land acquisition projects: the Act to Establish the Big Cypress National Preserve Addition in the State of Florida, signed into law April 29, 1988, and the Everylades National Park Protection and Expansion Act of 1989, signed into law December 13, 1989. The National Park Service has recently advised that in connection with these two projects it anticipates referring for condemnation about 3,300 tracts of land over a period of several years: a small number of tracts in 1992, move in 1991, with the number reaching about 400 tracts in 1994 and continuity thereafter at about that are a slightly higher until all tracts have been referred. (The U.S. Attorney's office, S.D. Florida, believes the total number of referrals in that district will reach 6,000 — about twice the National Park Service estimate.) The Everylades relational Park and Expansion Project is central to the President's "America the Beautiful" initiative.

In 1991, the Land Acquisition Section handled claims of over \$384.1 million for property which the government valued at \$170.5 million; the difference of \$213.6 million was the critical issue in the Section's lawsuits. Court-amended juctoments for these properties came to \$139.4 million. representing a mayings of \$189.7 million (or 89%) of the amount in issue. But another way, each of the section's 22 lawyers, on average, mayed the government slightly more than \$9.6 million.

The two examples below illustrate the importance and cost-effectiveness of this section's work:

In <u>United States v. 15.120 Acres of land More or less. in San Diego County, etc.</u>, a condernation action was filed on behalf of the Navy Department for the purpose of quieting title to 15 acres of filled tidelands in downtoon San Diego, oaned by the United States, that had been conveyed to the United States years ago by the city with authorization from the state. The state claimed that the property remained subject to the "tidelands trust" assement, which would give the right to control the government's use of the property. This is a case of national importance for two reasons. First, the subject property is a post-occupied of a joint private/public venture pursuant to which the Navy will secure needed office apoce at no cost to the tappayer; the project is viswed as a prototype not only by the Navy but by other federal agencies as well. Second, the case is one of first impression in that it involved the question of whether the lands previously conveyed to the Navy were still subject to the State's "tidelands trust interest;" this question has been a vexing one for many years but has never before been directly addressed in litigation. Interest held by the State of California. Although the Navy has not quantified in dollar terms the significance of this victory, it has pointed out that it was a crucial stapping stone to proceeding expeditiously with a project that is itself worth terms of millions of dollars and viewed as a prototype for the future.

A more typical case can be found in United States v. 173.76 acres in Jefferson County, West Virginia, and Robert Stanton Werner, et al. This was a taking of 174 acres on behalf of the National Park Service for the Appalachian National Scenic Trail. At trial, the property owher presented valuation testimony of \$10.7 million, claiming the highest and best use of the property was for a ski resort. In opposition, the government presented valuation testimony of \$11,000, contending that the highest and best use of the property was not for a ski resort but for large lot residential development. The court, persuaded by the government's evidence, emanded just compensation of \$395,000.

One fluther aspect of the Section's work merits special mention in that it appears to be a harbinger of things to come. During the past year, the Section devoted significant resources to dealing with many first impression questions regarding the effect of the various hazardous waste laws on real property transactions. These questions are presented not only by our traditional client aspecies in regard to their land acquisition programs but also by the Environmental Protection Agency as it grapples with how the environmental statutes it administers affect real property, its value, and traditional rights and liabilities associated with property ownership. In calendar year 1991, the Section's review appraiser and assistant chief devoted over 1,000 hours to such issues.

Increase/Decrease	Perm.		4
1994 Estimate	Perm.	POS. MY AMOUNT	15 \$29,865
1994 Baseline	Perm.	Pos. MY Amount	220 221 \$30,660
1993 Appropriation Anticipated	Perm.	Ros. MY Amount	220 221 \$29,123
			ETVITOTEMENTAL Procection

ICNC-RANGE COMIG. To defend and enforce federal programs to protect wildlife and the environment without undue economic costs, and to promote voluntary compliance with the Nation's environmental protection laws.

MAJOR ORTECTIV

To seek and obtain conviction rates of 90% or greater in all criminal cases and to impose criminal penalties well in excess of the authorized budget for criminal enforcement activities. To vigorously enforce legal standards and limits on pollution and waste discharges by bringing suit in Clean Air Act and Clean Water Act cases and recover a minimum of \$12 million in fines in such cases. [\$50 million in 1992.]

To uphold the validity of EFA regulations and legislation by successfully defending 125 petitions for review (including those involving the new Clean Air Act emendments) in the Courts of Appeals.

To defend federal agencies (e.g., Defense, Energy, Interior) whose facilities are the subject of litigation, while encouraging full compilance with environmental standards, and to train federal facility operators (via seminars, conferences or courses) in compliance-related procedures (both civil and criminal). To recover funds apent by or on behalf of faderal agencies for damage to natural resources within their control. (\$45 million in 1991; \$923 million in 1992.)

To reduce the program's backlog by increasing the number of closings by at least 10% annually.

<u>BASE PROJEM DESCRIPTION:</u> The Environmental Protection unit is comprised of the Environmental Crimes, Environmental Defense, Environmental Enforcement, and Wildlife and Marine Resources Sections.

The Divironmental Crimes Section prosecutes criminal violations of environmental protection statutes such as the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act, where the standards for criminal as opposed to civil sanctions involve willful, knowing violations. This criminal initiative was undertaken first in 1982 when a Crimes Unit was established as part of the Environmental Environmental Crimes Section was created within the Division.

The Environmental Defense Section defends rule-making, regulatory and permit actions and decisions made by the Environmental Protection Agency, the Army Oxype of Engineers, and the Coast Gazd, and represents federal agencies and for violations of environmental laws. The Section's cases include petitions for review of agency regulations in the appellate courts, and district court cases involving permit decisions, federal facility lawsmits, and dradge and fill actions in navigable waterways. In addition to its defensive caseload, the Section has responsibility for afflimative litigation to enforce the wetlands laws. The Environmental Enforcement Section conducts affirmative civil litigation to control and abate pollution. This program is primarily responsible for judicial enforcement of Environmental Protection Agency programs which regulate discharges into the Nation's air and water, and govern pasticide operations, solid waste storage, and nuclear waste, and natural resource deseges on behalf of many other federal agencies. Approximately 90 percent of civil enforcement actions are personally handled by Environmental Enforcement Section staff attorneys. The Section also has primary responsibility for Superfund litigation to compal site cleaning and to recover federal funds.

The Wildlife and Marine Resources Section handles civil and criminal litigation to halt the growth in illegal wildlife and plant trade, and to defend federal agency regulations concerning wildlife and plants and federal programs such as dem construction which are challenged on wildlife

The above table reflects progress that has been achieved by the Environmental Protection program in 1992 and underscores that additional progress is needed if the program is to realize the current objectives.

<u>Divinonmental Crimes</u> - Since its inception as a separate unit within the Environmental Enforcement Section in October 1982, the ECS has had additional impressive results. Over 1,000 corporations and individuals have been charged with environmental and other related criminal offerees and 716 defendants have pled guilty or been convicted, \$218 million in criminal penalties have been assessed and over 400 years of jail time imposed. In 1992, the Crimes program continued to break new ground and pay for itself while returning ever more money to the Treatmy:

2921 95	187	\$97,512,000	118
1991 106	126	\$18,424,000	222
1920 85	133	\$6,853,000	
Convictions/Quilty Pleas	Indictments		

Note that the penalty figure for 1992 does <u>not include the \$50 million in Boxon-Valdez</u> criminal penalties paid to the State of Alaska; it does include \$75 million in <u>Boxon-Valdez</u> federal penalties.

Two of the more significant criminal cases handled by the section this past year were:

The Exon Valdez Case. On March 24, 1989, the Exon Valdez struck Bligh Reaf, a well-marked and known navigational hazard, spilling more than ten million gallons of crude oil into the previously pristine waters of Prince William Sound, Alaska. The spilled petroleum migrated seven hundred miles, fouled waters and shorelines of national purps and wildlife refuges, and killed vast populations of birds and other wildlife. Commentators have called the spill the worst environmental diseater of its kind in United States history. Immediately following the spill. EX attorneys began an investigation in the District of Alaska. Eleven months later, a federal grand jury in Andoreage named the Exon Corporation and its absidiary, Exon Shipping ontered guilty pleus and paid the largest criminal penalty ever levied in an environmental case, 5150 million, of that amount, the Court remitted \$125 million and ordered Exon to pay \$25 million in fines. In addition, Exon was ordered to pay \$100 million in

¹ In 1992, the BCS changed its primary workload measure to "investigations opened/closed" rather than the previous "cases/matters received/closed" as they believe it to be a more meaningful measure of workload activity. Had they continued to use the former criteria, they would have received an additional 214 cases/matters in 1992 for a total of 332.

restitution. Exocom has also agreed as part of a comprehensive settlement to pay an additional \$900 million in civil damages to the United States and Alaska over a 10-year period, for restoration of the areas affected by the spill.

In March of 1992, following a seven-day trial, a jury found John Curtis, former fuel facility manager of the Naval Air Station on Adak Island, Alaska, guilty of knowingly discharging hardreds of thousands of gallons of jet fuel into a waterway. Out is was found guilty of pumping the fuel to the island's powerplant despite browledge of a pipeline crack that allowed the fuel to escape into the waterway. Crimes Section attorneys worked with ERA and Maral Infalligence Service investigators to develop the case. Out is's defenses — that his superiors had ordered his to know about the case, — ande the case especially challenging and time-conseming. The Outlis case is a particularly instant fallers facilities case has been a serially an interactive faller. It is a particularly interactive fallers in the service in the service in the service in the supervisor way be held criminally liable for violations by his stockinate, if the supervisor has about hit failed to correct them.

Environmental Defense - Among the many cases handled by the Divironmental Defense Section (EDS) this past year is one mariting special mention. It remained in a hard-won (but unanimous) decision in the U.S. Supreme Court and involved the Clean Water Act and interstate water pollution disputaes. Because major water bodies frequently pass through wore than one state of bodies major to state may have an impact on the water quality in another state. As a result, there are inevitably disagreements regarding whether an upstreem state's requirements are stringert enough to adequately protect the water quality of a domestreem state. ESA reads the Act to provide it apports to resolve such interstate water pollution disputes.

The case of <u>Ariansas v. Oklahoms</u> involved a new semage treatment plant in Arkansas which discharged effluent into a river which flowed into Oklahoms. ERA, acting as the permit-issuing authority, issued a permit for the source which imposed stringent requirements but did allow a small quantity of pollutants to be discharged into the river. Both states challenged ERA's permit decision in the feakral court of appeals. Oklahom argued that ERA should not have issued a permit at all because some pollutants from the sources would cross the state border and reach a protected river in Oklahoms. On the other hand, Arkansas contended that ERA had arred by concluding that the Arkansas source must establish that its discharges would not have a detectable impact on Oklahoms's water quality standards.

In an unusual, very detailed 100-page opinion, the court of appeals ruled that ERA had erred in several respects and that ERA must completely deny the permit because not one molecule of pollution from the source could cross the state border. In so ruling, the court ignored ERA's inferpretation of the governing law, its technical expertise, and its role in resolving interestate water pollution disputes. The decision threatened to throw the area of interestate pollution evers, where downstress states might impose stringent standards at their borders to prevent questrates from constructing any new facilities.

The United States sought Supreme Court raview of the decision, and in a unanimous opinion the Supreme Court raversed the lower court decision and upheld ERN's permit decision. In so ruling, the Supreme Court strongly affirmed ERN's role in resolving interrates water pollution disputes and in inferpreting the Clean Water Act and state standards. The wary favorable language in the opinion should greatly assist ERN in carrying out its duties uniar the Act and will provide needed clarity in the interstate water pollution area. EDS attorneys handled the case at the court of appeals level and played key roles in drafting the petition and brinds in the Supreme Court.

<u>Environmental Enforcement</u> - The Environmental Enforcement Section handles all affirmative civil litigation brought on behalf of the United States under the Clean Neter Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Capersation,

S and Liability Act, the Safe Drinking Water Act, the Toxic Substances Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, the Section is charged with civil judicial enforcement under recently enacted statutes such as the Oil Pollution Act of 1990, the Ocean Dumping Act and the Shore Protection Act. This makes for a diverse caseload of over 1,000 active cases on the EES docket. Building on the banner year of 1991, the Enforcement Section again filed a record 154 CENCIA civil compulaints; assessed un all-time high of \$55.9 million in non-CENCIA civil penalties; recovered \$203 million in past costs expended by the Superfund and compulled defendants to undertake various clearup activities valued at \$762 million.

To fully appreciate the enormity of this Section's cost-effectiveness, one need only consider that the combined Superfund and Appropriated budget for EES in 1992 was \$46 million but the value of what EES achieved in terms of money paid to the Treasury and various trust funds as well as commitments to clean up hazardous waste sites, was \$1.9 billion. This represents a 41 to 1 return on the enforcement investment. But another way, on average, each lawyer employed by EES in 1992 produced \$12.6 million in civil penalties, natural resource demages, CENCIA cost recovery and commitments to site work by defendants.

A major source of these record-breaking dollar amounts in 1992 was the October entry of the civil agreement and consent decree in <u>United States v.</u>

<u>Exact Corporation and Exact Shipping Co.</u>, which requires the Exact so as a total of at least \$900 million to the United States and the State of Alaska, to resimbures all of the government's clearup and damage assessment costs and to restore, replace or acquire the equivalent of the natural resources affected by the explicit is the largest single monetary settlement in the history of environmental enforcement.

In 1992, the section continued to devote inordinate amounts of time to a number of complex cases, e.g., in that year alone, professional hours spent on <u>U.S. v. William Davis</u> totalled nearly 11,000 hours. Other resource-intensive cases included: <u>In re National Organs</u> (N.D.Tex.) (7,818 hours); <u>In re D.F. & I Pabricators</u> (6,764); <u>U.S. v. Niagara Transformer Corporation, et. al.</u> (5,608 hours); and, <u>United States v. Marine Shale</u> (M.D. IA.) (5,333 hours). The last of these is particularly noteworthy.

Between March and August, 1992, the Section litigated the United States' motion for preliminary injunction in United States v. Marine Shale, the nation's largest incinerator of hazardous waste, has operated since its inception without RCNA hazardous waste permits and has compiled an unerwiable and notorious compilance history. It claims that it "recycles" hazardous wastes by burning them and marketing the math sea "construction aggregate," used in road bads, grading, foundations, etc. When Marine Shale threatened to begin selling its and in Herman and began off-site movement, the United States filed its motions for a temporary restraining order and a preliminary injunction, alleging a variety of regulatory violations and threatened injuny to public health and the environment. The motions off-site placements to a specific.

The four months of preparation for the preliminary injunction hearing involved prodigious expenditures of time and money on investigation, written discovery, legal briefing, witness preparation, depositions, document management, and development of scientific experiments and expert testimony. Ess attorneys interviewed more than 100 potential witnesses; sixty of whom were ultimately deposed, sometimes in three or four simultaneous tracks

About 500,000 documents were exchanged by the parties on the preliminary injunction issues alone, all of which were reviewed. Summaries of 3,000 sampling points were prepared and underlying information was collated to facilitate admission into testimony. Over 300,000 hazardous waste manifests were reviewed and sorted into categories corresponding to elements of proof at the hearing. Up to seven ERS attorneys participated in preparation, and five assisted at the hearing. Four ERA attorneys assisted throughout this period. The core litigation support staff involved three paralegals and three clerks. At its peak, the staff effort included 14 people.

Expert witnesses in a variety of disciplines had to be located, retained, set to examining the facts, and prepared in a short time frame. Thes included a geochemist, two risk assessors, three medical doctors, two toxicologists, an aquatic toxicologist, a wildlife biologist, a fate and transport expert, an analytic chemist, a statistician, an serial photo interpreter, and an outside regulatory expert.

<u>Widdife & Marine Resources</u> - The workload of the Widdife and Marine Resources (WEK) Section is split almost Avenly between civil and criminal cases, based upon attornsy time. Nost criminal cases arise under the Endangered Species Act (ESA) and the Lacey Axt; the bulk of the civil caseload arises under the Endangered Species Act as well as the Megrason Fishery Conservation and Management Act.

In 1991 alone, the Section, at times in conjunction with U.S. Attorney Offices, processed 1,200 indictments or informations charging criminal violations, detained 900 guilty place or convictions, and secured over \$1 million in criminal fines. In 1992, two major undercover operations carried out by NE agents one to fruition. The first resulted in charges being filed against 29 individuals for whice "headhwriting" (killing values merely to ME agents of the ivery from their tusio), dealing in druge-for-ivery and black market sales of polar and marine memel parts. The two year-investigation the ivery from their being whiteout" focused on the warteful take of walter, the unlawful asies of marine memmal parts and the trading of walter ivery for cocaine and marijuens. It is hoped that successful prosecution of these cases will have significent effects on the conservation of walnus stocks in Alaska. The second investigation, "Operation Pacitticins" involved breaking up a ring of international bird saughling operations. In Pabruary 1992, search warrants were essented in four major U.S. cities, and one arrest of a foreign national was effected. Grand jury investigations will be conducted over the next year, resulting in the eventual charging of up to 40 defendants. The majority of the grand jury and trial work, as well as coordination responsibilities, will be carried out by Wildlife Section attorneys. The Section anticipates that in 1994 there will be takedowns in three similar major undercover operations, each involving the to three desendefendants in several jurisdictions.

The drought in California set the stage for a mejor civil suit this year which pitted the competing needs of fish equinst farmers. In <u>inited</u>
<u>States v. Glern-Colusa Irrication District</u> (GCID) the Section brought an affirmative civil enforcement action against a mejor irrigator on the
<u>Secremento River</u>. We were anomeschil in proving that GCID was killing large numbers of juvenile winter run chinock salmon by rechaing to replace
its admittedly defective fish acreems. A district court judge enjoined GCID and severely curtailed its pumping until salmon kills can be reduced.
The 1968 semanths to the ESA achded the provision giving the government the right to seek injunctive relief to prevent harm to protected appoint before it occurs. This provision has only been used a handful of times until now.

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A program decrease of 6 positions, 6 workyears and \$382,000 is required to meet personnal levels established by the Administration. A prodecrease of \$413,000 is required to reduce administrative expenses to easist in controlling the federal deficit and improving the federal government's administrative productivity.

In part because it is the Division's largest progres, this reduction will be applied to the Environmental Protection progress. Additionally, the prosecutions of the defensive caseload in 1994 will necessitate the diversion of still more paragraph from profitable affirmative enforcement and criminal prosecutions. In lieu of affirmative and criminal enforcement, the Division must divert resources to non-discretionary defensive cases. We expect

disproportionate growth in the defensive docket in three areas: environmental challenges to the Clinton Administration's infrastructure programs, including those under the Clean Air Act. Amendments; and claims of environmental violations by federal facilities.

The major impact of this budget reduction will be an annual revenue loss of over \$140,000,000 from foregone fines, penalties and cost recoveries previously underwritten by private parties under court order. Nevertheless, the fact remains that this Division's greater obligation is to handle its defensive caseload and because there exists a pool of experienced litigators that can be diverted from affirmative and criminal enforcement activities, this reduction will not prevent the Division from managing its top priority cases.

92		볔	:
Increase/Decrease		MY Amount	:
		곀	:
	Perm.	88	:
Estimate		Pos. MY Amount	113 \$12,850
1994	Perm.	308	110
Basel ine		Pos. HY Amount	13 \$12,850
1974	Perm.	Bos	110 11
propriation		MY Amount	113 \$12,206
1993 Ar	Perm.	8	110
			General Litigation

LONG-RANCE COAL: To defend and promote the public interest in federal land, water, mineral and Indian programs.

JOR OBJECTIVES

obtain favorable rulings in 75 to 80% of challenges to federal programs and policies affecting the management and protection of public lands and natural resources.

all To successfully assert and maintain the federal government's supremacy (over that of states, localities, developers and private owners) in water rights proceedings involving federal lands.

To limit the pay-out rate in defensive suits to \$1 dollar for every \$3 claimed.

3 To represent effectively the interests of Indians where the United States is trustee, especially in water rights matters by assigning attorneys a growing number of BIA negotiating teams To provide legislative, public and congressional liaison services for the Environment and Natural Resources Division's programs; specifically to process FOIA/RA requests and all Congressional inquiries in a timely manner; effect favorable language in Administration-sponsored bills for the reauthorization of the Clean Water Act and the Resource Conservation and Recovery Act and, related to RCRA, prevent inclusion of past penalties for federal facilities as well as any amendment which would allow states to restrict the interstate transportation of hazardous waste.

To monitor citizen suits, and to intervene where necessary to ensure that penalties are paid to the U.S. Treasury.

have BASE PROGRAM DESCRIPTION: This program includes the General Litigation, Indian Resources and Policy, Legislation and Special Litigation (PISL) Sections Which are responsible for natural resources litigation, protection of Indian rights, and various legislative, policy and liaison activities respectively. Of these, the General Litigation section is the largest, and its cases span over 70 statutory areas administered by several dozen client agencies. Traditional General Litigation cases involve inverse condensation, in which government actions are alleged to he

² In 1991 the average enforcement attorney "earned" more than \$8 million in fines, restitution and court-ordered clearages

defense of federal programs challenged for taken private property; Indian claims for monetary relief from government inaction or mismanagement, defense of federal faulty environmental impact analyses; and, mineral leasing and mining cases on land and in the Outer Continental Shelf. The United States has established trust relationships with various Indians and Indian tribes through a myriad of treaties, statutes and Executive orders. Under these authorities, the government is obliged to perform a number of functions on behalf of these tribes, including litigation to defend their rights. The Indian Resources Section handles these cases, the most important involving water rights. Many Indian reservations lie in the arid portions of the country where competition for water is fierce, and tribal rights to water must be established before reservation lands can be developed. Over 50 million acres of reservation lands, and the rights to major water systems in dry western states are at stake. Other cases in which the government represents the interests of Indians involve the establishment and protection of hunting and fishing rights, and suits to unswer questions about tribal rights to self-determination. Finally, responsibility to review and comment on legislative proposals for the Division's programs rests in the Policy, Indialation and Special Litination Section (PLSL) of this program. Many environmental statutes are the subject of new legislative proposals, which benefit from analysis by the Division. After a bill is passed by Congress, the Section's responsibility involves analysis of new issues related to the implementation of the Law, particularly in the first three years when few court decisions exist to give guidance on ambiguities that then shapes in laws. Complete accenting the legislation history for use in litigation which arises after a bill becomes a law. Coordination between the various federal, state and local government spenies involved with environmental concerns and the conservation and development of natural resources is also within the purview of the decision unit, as is the initial development of Division policies in these areas. PLSL continues to experience increases in its legislative docket. In the 100th Congress, the Section handled 1,154 legislative matters; in the 101st congress, that number rose to 1,896. But the 102nd Congress shattered the record with over 2,500 legislative requests.

COOPPLISHENTS AND HORKLOAD

1994 4,232 3,145	2,950 4,427
1993 4,027 3,125	2,920 4,232
1992 5,387 3,457	4,817
5,562 3,334	3,509 5,387
Item Perding, beginning of year Cases/Matters Received	Cases/Matters Closed

NVTE: High number of closings in 1992 is attributable to a Division-wide effort to identify and delegate or close-out inactive cases in the

General Litigation - Among the General Litigation Section's most controversial — and most significant —— cases this past year was the successful negotiation of a tripartite agreement in United States v. South Plorida Mater Management District et al., a suit brought to ensure the delivery of clean water to Everglades National Perk, the country's most endangered national park, and the Locahatches National Wildlife Refuse. In July, after three years of acrimonious and expensive litigation (e.g., the state spent % million in lagal fees defending itself and the Section devoted 8,250 hours in 1991 alone), the Attorney General and the Governor of Florida announced that a settlement had been readed between the U.S. and the two state parties to the million in detail the nature of the ecological harm to the Rathy, the stage that the state must take over the next ten years to repair, restore, and protect the Park and Rafuse, and the water quality that must be attained for the future. It has been halled by many as a "landwark" achievement, and a "model" for the resolution of other disputes. (Perenthetically, we note that the case is far from over. Extensive litigation remains in state court and state administrative form ower implementation of the settlement's terms.) Indian Resources - Two cases handled by the Indian Resources Section typify the past year's accomplishments of this section -- one because involved a lengthy water rights case and one because it demonstrates the kind of "good guy" role that section attorneys relish.

On December 19, 1991 the State Water Court entered eleven consent decrees in In re Adjudication of Indian Water Rights in Water Division No. 7 in Colorado. The rivers involved in this settlement were the San Juan, the Piedra, the Pien, the Pierida, the Navajo, the Blanco, and Animas, the Mancos, the Dolores, McElmo Creek and the La Plata. The consent decrees represent the culmination of 15 years of effort to settle the federal reserved water right claims of the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe. The claims of the tribes were predicated on a treaty between the tribes and the United States in 1866. As a result of the settlement, drinking water is no longer required to be trucked into the Ute Mountain Ute Indian Reservation. The settlement of these cases has permitted the tribes and several hundred other parties, including the state of Colorado, the Orders parties of Litigation which would have cost several million dollars and still left unresolved disputes over the use of water in an arid wastern state.

<u>United States V. Herenhauser Co.</u> In December 1991, the District Court in Oregon granted our motion for asserved intitudes and returned an eighty acre tract to a 76-year-old Indian women. The elderly women's mother had improvidently sold the land in 1917 for one fifth of its value. Relying on case law developed by the Supreme Court in the first quarter of this century, the trial court held that Meyenhauser, a subsequent purchaser from the Indian allottee, had never held valid title to the land and had been trespassing for fifty years.

Policy. Legislation and Special Litigation (PLSL) - Last year the PLSL Section enjoyed a number of successes in a variety of areas:

<u>DOI Quidelines - Audits:</u> After months of consultation and drafting, the Division's guidelines³ on the exarcise of prosecutorial discretion in environmental criminal cases when information has been voluntarily disclosed were issued in July, 1991. Fift took the lead in drafting and finalizing these guidelines which will serve as a benchmark for all federal environmental criminal prosecutors as to how to treat the performance of environmental audits and other voluntary disclosures when making prosecutorial decisions in environmental cases.

CANA Implementation: After spending the better part of two years participating in the reauthorization and emerchant of the Clean Air Act, FISI. became involved in the implementation of those emerchants through the review and analysis of ERA's draft rules to carry out the Act's mandates. The Section has participated closely in the last nine months on seven different major regulatory issues, either at the request of ERA or OHB: the general parmit regulation, issues of operational flexibility, acid rain parmit regulation, field citation procedures, citizen suit notice procedures, and administrative hearings regulation.

Citizen Suits: FLSL monitors citizen enforcement suits brought under the environmental statutes (primarily the Clean Water Act) to ensure that settlements negotiated by the parties are not violative of the terms of the Act. In 1991, the Treasury was enriched \$4,864,887 in penalty and interset payments from citizen suits due to PLSL efforts. A typical such case was <u>Priends of the Parth. et al.</u> v. Archer Daniels Midland Co., et al., (N.D.N.Y. Jan. 6, 1992). In this citizen suit under the Clean Water Act, the United States successfully argued that a civil penalty must be imposed for violations for which the defendant was found liable, and that civil penalty must be paid to the U.S. Treasury.

wong the litigation aucosses this past year was one which involved a critical NEAA abroad issue:

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^{3 &}quot;Pactors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Compliance or Disclosure Efforts by the Violator," U.S. Department of Justice, July 1991.

In Rublic Citizen et al. V. Bush and the U.S. Trade Representative (D.D.C. Jan. 7, 1992), access docketed (D.C.Cir. Feb. 7, 1992), plaintiffs challenged the President's and USTR's negotiation of both a North American Free Trade Agreement (NAFTA) and the Unuquay Round of multilateral trade negotiations under the american Agreement on Taxiffs and Trade (GATT), on the ground that for neither agreement had the USTR prepared environmental impact statements (EIS) under the National Environmental Rolicy Act (NEPA). NEPA requires federal agencies to prepare an EIS for major federal actions that may significantly affect the environment. The district court agreed with PISL's argument that plaintiffs did not have standing to bring the case because these agreements were not major federal actions within the meaning of NEPA.

Increase/Decresse		t Ros. MY Amount	
1994 Estimate		BOS. HY AMOUNT	38 33 \$4,24
1994 Baseline	Pera.	Pos. MY Aucu	38 33 %,2
1993 Appropriation Anticipated	Perm.	Ros. MY Amount	38 33 \$4,029
			ration

To efficiently and effectively manage the Environment and Natural Resources Division, and to provide the administrative mervices many to carry forward the Division's programs. IONG-PANCE COAL: and support naces

PAYOR OBJECTIVES:

Management & Administr

To provide policy direction and management oversight to the Environment Division's litigation programs

To represent and advance the Administration's environmental interests in international form.

To award and implement a new contract for the provision of ALS services in 1993.

In cooperation with other DOJ components, to negotiate and implement a new contract for office automation.

To update and improve automated management information systems for case tracking, timekeaping and financial litigation management.

To recruit highly competent and motivated staff, including minority applicants.

To provide adequate administrative services, including space and facilities, mail and messengers, copying and supplies

To provide Automated Litigation Support to the ten highest priority cases in each Section.

To develop and maintain systems for improved flacal planning and accountability.

To process all vouchers expeditionaly so as to avoid the payment of interest.

BASE_RECENTION: The Management and Administration decision unit includes the Office of the Assistant Attorney General and the Executive Office for Administration. Thus, this program provides overall direction and management of the Environment and Natural Resources Division, and supervises and administrars operations necessary to support the Division's litigation mission. Responsibilities of the unit include: budget preparation and essecution; financial management; development, operation and maintenance of management and automated support systems; workload and

MANAGEMENT

The LINC Group designed, implemented and provided continuing support to a number of Executive Office initiatives, including; payroll conversion; program to counteract the McMcee Vinns; promulgation of Division policy and procedures for computer home access; and expande access to IECIS. Additionally, they eliminated costly meintenance contracts saving the Division \$200,000 annually and resolved 67% of network software and hardware problems, thus drawtically reducing the need for trouble calls and saving the Division another \$100,000 annually in relaborates contract costs.

The Administrative Services Group successfully renapptiated its contract for reproduction equipment under very favorable terms; realized a 25% increase in the number of purchase orders processed; acquired, built-cut and moved personnel into new locations in Washington and Denver, Colorado; in conjunction with JPD, completed it prospectus for a new building consistent with the Department's Paclities 2000 Program, paving the way toward remainfulng all Division employees in one building for the first time in several decades.

Our Personnal and Thaining Group had a barnar year; it received and reviewed record numbers of applications for 24 Honor Grad positions -- 1,180 (up 40% over last year's record 819). It also conducted the biggest recultiment effort ever, attending 16 job fairs and conducting interviews in 30 locations throughout the country.

The Systems Group wrote and assembled the second armual statistical report; expanded its responsibilities for revisating consent decrees and collecting monies oved to include the Emergency Planning and Community Right to Now Act and Clean Air Act Amendment cases as well as the traditional Clean Water Act citizen suit cases; oversaw the conversion of the EES' case tracking system to the IJTS and contributed considerable time to three Department-level working groups — two affiliated with the Office of the Deputy Attorney General (Financial Litigation; Case Management) and a third committee to oversee plans for developing a case management system for the EGUSA.

The Executive Office's Litigation Support Group expanded the volume of support provided from \$12 million in 1989 to \$26 million in 1990 to a new record \$40 million in 1991. Litigation support was a major factor in such Division success stories as Executables, Rocky Flats, South Florida/Renzilades, AVX/New Bedford Harbor, and Harine Shale Processors. In 1991, the Division saw a significant increase in the number of Superint and other cases maturing and actually going to trial. Much of the substantial increase in the program's budget is the result of other Divisions use of our litigation support contracts and professional staff to gain the benefits of A18 for their cases and projects. Pro some highly visible cases, nost notably BCC, the Criminal Division transferred almost \$10 million to cover litigation support contracts to export Japanese Internee Retress and for processing geographic information for redistricting and Mortgage Discrimination projects and the Group is also supporting a number of projects for the Tax Division and BURM.

Additionally, the Decative Office produced a Division guidebook as well as a new recruiting flyer "We Need You!" and a new travel manual; introduced an educational seminar program for non-attornays; automated a number of the most frequently-used Division forms (e.g., travel) thus aliminating the need for manual typewritarm; and gave Division-wide training on time-management and computer security.

Environment and Natural Resources Division Salaries and Expenses, General Legal Activities Financial Analysis of Program Changes (In) lare in the sands)

	Environmental Protection	tal Pro	ection		
	Permanent Out	t Adm	Administrative	Total	Te
	Pos. Anour	2 4	Amount Pos. Amount	88.	Amount
G/4-14		13	•••	-5	-\$113
6-30	7	-	:	7	-28
<u>8-7</u>	7	- 89		7	-68
Total positions and annual rate	-20	-209	:	φ	-209
Indee (-)	•	-			***
Total, workyears and personnel		-			
compensation	-703	2	:	φ	-209
Permornal barefits	Υ.	-			\$9
(bear) count Barefits	•				:
	•	-			: 1
Travel & transportation of parsons	7		95		7
Transportation of things	7	_ _	ዋ		-15
GSA rent	7	-	-50		9
Bartel an article to other	•	 ?	3		1
The second state of the second	:	-	*		• ;
Communications utilities & misc.	•	ري م	-16-		-21
Printing and reproduction	•	_	T		7
Other services	-51	_	-228		-279
Supplies and meterials	•	_	-20		7.
Paritoment	1	-	0		-48
<u> </u>				,	300
Charles Fedilical, 1994 consequences and consequences and consequences.	-585-	7		P	

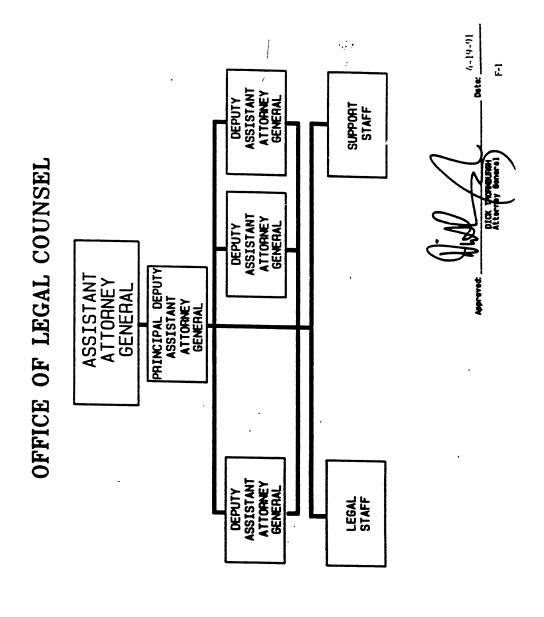
Environment and Natural Resources Division Salaries and Expenses, General Legal Activities

Priority Rankings

	Program	Ranking
	Environmental Protection	~ (
•	Ceneral Appellate Activity	4 m
	Land Acquisition	•
	Management & Administration	S

Environment and Natural Resources Division Salaries and Expenses, General Lagal Activities Detail of Permanent Positions by Catagory Fiscal Years 1991 - 1993

			_	186
	1992	1993	Program	
Attorney (SOR)	230	AUTOCIZAD		325
Paralegal Specialists (950)	2	9	* 7	300
Other legal and kindred (900-998)	•	9	:	a
Gen. Admin, clerical and office services (300-399)	143	77	7	138
Accounting and Budget (500–599)	∢.	▼ (:	→ ←
The second second second (Section 1) and second sec	7	7	•	r
Total	627	425	φ	419
Weshington	415	411	Υ	\$
	14	- FF	444	
Total	429	425	φ	419



Office of Legal Counsel Salaries and Expenses Crosswalk of 1993 Changes

(Dollars in Thousands)

1993 Appropriation Inticipated	Pos. W. Amount	83,613
Appr	3	. .
1993 Ant i	186	80
	Pos. W Amount	:
edioaceme inse	4	:
.ogre	3	:
Rep	101	:
Congressional Appropriation Actions on 1993 Reguest	POS. NI ABOUNT	918
1993 President's Rudget Request	Amount	38 42 \$3,632
res id	Ħ	29
1993 I	787	88
	Activity/Program	Legel Opinions

Consissional Aboropristion Actions. Congress applied a general reduction to the base program level of the General Legal Activities appropriation. Additionally, Congress did not provide funds for the 1993 program enhancement for the FMIS system.

Office of Legal Counsel Salaries and Expenses, General Legal Activities Summary of Requirements (Bollers in Thousands)

														7 to 7	Vork-	America
1993 as enected	:: :	•	•	•	•	•	•		•	:	•	•	•	2	24	83,613
1993 apprapriation anticipated	enticipe		•	•	•	•	•	•	•	•	•	:	•	=	7	3,613
Transfer from Working Capital Fund	- Vorking	e Capital	-	•	•	•	•	•	•	:	•	:	:	:	:	-
Mendatery Incresses:															-	
Annualization of 1	n of 199	993 pay raise		•	•	•	•	•	:	:	•	:	•	:	:	200
Within-grade increases	Incress	: : :	•	•	•	•	•	•	:	•	•	:	•	:	:	2
Health Wenefits	16	•	•	•	•	•	•	•	•	•	:	:	:	:	:	•
federal Insurance	rance Co	Contributions Act (FICA)	A Act (1	(YOL	•	:	•	:	•	•	:	:	•	:	:	_
8PO and Department	rtment P	Printing	•	•	•	:	•	•	•	•	•	:	:	:	:	_
Pestal Under - riep	· reper	orted Postage Use	• Use.	•	•	•	•	•	•	•	:	•	•	:	:	-
68A Recurring Refit	n Reimbur	bursable Services	vices.	•	•	•	•	•	•	•	•	:	:	:	:	2
General Pricing Level Adjustments	ing Leve	Adjustme	nts	•	:	•	•	•	:	•	•	:	•	:	:	=
General Services Ac	ices Admi	dministration (68A) Rent	(68A)	Rent	•	•	•	•	•	•	•	:		1	1	7
Total Mandatory	itery in	Incresses	•	•	•	•	•	•	:	•	•	•	•	:	:	154
Decreases: (automatic, non-policy)	(eutom	tic, non-	policy).	•	•	•	•	•	•	•	•	•		1	1	*
1994 base	:	•	•	•	•	•	•	•	•	•	•	•	•	2	3	3,780
Savings to achieve deficit reduction targets	ach i eve	deficit re	educt ion	terg		:	:	•	•	•	•	•		1	1	7
1996 baseline	•	•		:	•	:	•		•	:	•	•		2	7	3,777
						1993	Appro	1993 Appropriation							Incresse/	•
Estimites by	1992 As Enseted Porm. Pos. VI Amoun	Enected	1992 Acti Perm. Pes. VX	1992 Actual Perm. Pes. NY AM	uel Amenot	Per s	Anticipated Perm. Pos. W. Amount	Bount	1994 Baseline Perm. Pes. MY Amount	Pesel XX	Amenut	# 2 3	1995 Eat. Pere. Pas. W	1994 Estimete Perm. Pos. MI Amount	Pocrese Porm. Pos. Ki	Amenat
4. Leest Ontalons	?? \$1	101	5	9	27, 176	,	3	117 18 67	5	2	111	2	7 4	23 727	•	94.
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Office of Legal Counsel Justification of Program Performance Salaries and Expenses

LONG RANGE GOAL:

To assist the Attorney General in the role as legal adviser to the Executive Branch, and to provide timely, thorough and reliable legal analysis in response to requests for opinions from the President, the White House staff through the Counsel to the President, the Attorney General, Justice Department components and Executive Branch agencies.

MAJOR OBJECTIVES:

To provide general legal advice to the President and Executive Branch agencies.

To resolve intra-Executive Branch disputes over legal questions.

To advise other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or issues of general concern to the Executive

To testify and prepare testimony in connection with pending legislation of interest to the Department and the Administration, and to assist in the drafting of legislation.

To approve the form and legality of Executive Orders and Orders of the Attorney

BASE PROGRAM DESCRIPTION:

The statutory authority for the Office of Legal Counsel (OLC) is 28 U.S.C. 511-512. The principal duty of OLC is to assist the Attorney General in the role as legal adviser to the President and Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. OLC responds to every request for dispute resolution it receives. OLC also provides general legal assistance to other components of the Department, especially where litigation or proposed legislation

form and legality all Executive Orders and Proclamations proposed by the President, as of the Department regarding treaties, executive agreements and international organizations, and performs a variety of special assignments referred to the Office by the Attorney General. The Office has responsibility for advising the Office of Government Ethics on matters of law in the area of conflict In addition, OLC is also involved in coordinating the work Offices of the Attorney General, the Deputy Attorney General, the Associate Attorney of interest, and the Assistant Attorney General serves as ethics counselor to the well as all proposed Orders of the Attorney General and all regulations requiring general issues of executive authority. General, and the Solicitor General. raises constitutional issues or Attorney General approval.

Counsels' Consultative Group consisting of the general counsels of the principal Executive Branch components. OLC chaired the General Counsels' Consultative Group. The purpose of this Group has been to improve coordination and consistency in handling important legal issues of concern throughout the Executive Branch, particularly legal At the direction of the previous President, the Attorney General convened a General matters bearing upon the President's constitutional responsibilities and authority. At the request of the Attorney General, OLC represents the Department of Justice on various groups that report to the National Security Council. The Attorney General has also directed OLC to represent the Department of Justice on the Administrative Conference of the United States with respect to certain regulatory reform matters.

the Attorney General. Most requests result in the preparation of legal micros signed by the Assistant Attorney General or one of the Deputies based upon the research of one or more of the Office's staff attorneys. Other requests result in the provision of oral advice to the client agency. Since 1977, at the direction of the Attorney General, this Office has published selected formal opinions. Volumes covering the years 1977 through 1982 have been issued. Softbound volumes covering the years 1983 through 1982 have been issued as preliminary prints. Production of final, hardbound editions for the years 1983 through 1987 will be completed in FY-1993. A small number of requests are considered appropriate for formal Attorney General opinions, which are drafted preliminarily in OLC and reviewed, revised and approved by

recent years, and includes drafting legislative opinions, testimony, and preparation of Presidential signing statements and veto messages. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of OLC's role in the Department's legislative program has increased dramatically in

interest to the Department and the Administration, and has assisted in the drafting of legislation.

advisory role to other Department components, on issues relating to immigration matters, the debt ceiling and budget reform, separation of powers, federalism, executive privilege, national security matters, conflict of interest and ethics, and various independent counsel matters. OLC has provided advice to the litigating divisions and the Solicitor General on constitutional issues relating to presidential authority and separation of powers. In addition, because of its expertise in certain areas, OLC has assumed an on-going

OLC generally does not initiate any programs nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the President, the White House staff through the Counsel to the President, the Attorney General, members of the Cabinet and heads of Executive Branch agencies and other Department of Justice officials

ACCOMPLISHERITS AND WORKLOAD:

The following statistics are projections of the workload for the Office of Legal Counsel:

			Katimat	80
Items	1991	1992	1993	•
Executive Orders and Proclamations	80	85	06	95
Opinions	625	630	640	655
Intradepartmental Opinions	850	862	875	006
Special Assignments	4,200	4,280	4,500	4,800

EXPLANATION:

The "Opinions" category is an estimate of advice given to the White House, OMB and other Executive Departments and agencies. It includes both formal and informal advice as well as responses to requests for information.

The "Intradepartmental Opinions" category is an estimate of informal advice, formal opinions and bill comments given to the Office of the Attorney General as well as other Departmental units.

including informal advice, responses to oral requests for information and referral, and citizen inquiries as well as review of Freedom of Information Act and Privacy Act The "Special Assignment" category is an estimate of a number of different matters, including informal advice, responses to oral requests for information and referral

IMPORMAL LEGAL ADVICE:

various departments and agencies of the Executive Branch on a wide range of constitutional and legal issues, particularly issues of executive authority, separation of powers, and questions relating more narrowly to the powers and duties of particular agencies. For example, OLC rendered opinions on the construction of 18 U.S.C. 205, the President's recess appointment power, and the ratification of the 27th Amendment. Additionally, OLC provides oral advice on a daily basis to a wide variety of agencies, including the White House and OMB. During the past year, OLC provided general legal advice to the President and the

INTERAGENCY DISPUTES:

between executive agencies. During 1992, for example, OLC resolved disputes between OMB and the Department of Defense. OLC provided legal opinions under Executive Order No. 12146 in a number of disputes

REVIEW OF EXECUTIVE DOCUMENTS:

In 1992, OLC reviewed 85 Executive Orders for form and legality and advised OMB on suggested revisions. OLC reviewed all orders of the Attorney General during this period, most of them on an expedited schedule. In addition, in various emergency situations, the Office has been called on to advise the White House or the Attorney

PROGRAM CHANGES:	1994 Baseline Perm.	1994 Betimate Perm.	Increase/Decrease Perm.
	Pos. MY Amount	Pos. WY Amount	Pos. WY Amount
Legal Opinions	38 42 \$3,777	37 41 \$3,727	-1 -1-\$50

A program decrease of 1 position and 1 workyear and \$33,000 is required to meet personnel levels established by the Administration. The reduction will be achieved by through attrition. A program decrease of \$17,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal

government's administrative productivity. The reduction will be accomplished through cut backs in the office library acquisitions and a postponement of the publication of selected opinions of the Office of Legal Counsel.

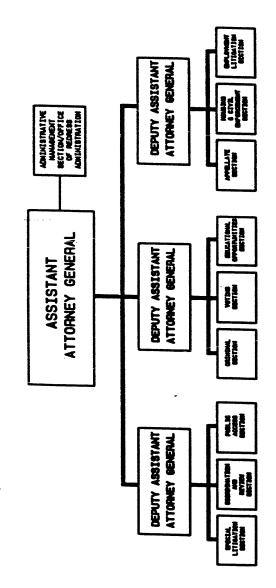
Office of Legal Counsel
Selaries and Expanses, General Legal Activities
Financial Analysis - Program Changes
(Dollers in thousands)

	10001	Less! Opinions	Total		Γ
					<u> </u>
	in Pos. & FTE	Administrative Sevings	in Pos. & FTE	Admin.	
	Pos. Amount	Pos. Amount	Pos. Amount	Pos. Amount	SW1
Grades G8-12	(1) (\$40)	:	(1) (\$40)	:	:
Total positions and annual rate	(1) (40)	•••	(1) (40)	:	 :
	13	:	13	:	:
Other personal compensation	:	:	:	:	:
Administratively determined salaries	:	:		: :	:
Total workyears and personnel					l
compensation	(1) (27)	:	(1) (22)	:	:
Personnel benefits	(9)	:	(9)	: :	:
Travel and transportation	:	:	:	:	:
68A rent	:	:	:	:	:
Other rent	:	:	:	:	:
Comm. utilities, other charges	:	:	:	:	:
Printing	:	:	:	:	:
Other services	:	:	:	:	: !
Supplies and materials	:	(12)	:	: :	23
Equipment	:	:	:	:	:
Total program workyears and obligations	1		1		5
changes requested, 1994	(66) (1)	:	(66)	:	:
					-

Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Gategory
Fiscal Years 1992 - 1994

			11	1994
Category	1992 Authorized	1993 Authorized	Decresses	Total
Atternays (905)	23	£2 ·	-	25
Secretaries (318)	.	-f 60 F		~ * *
Total	38	38	-	37
Washington	38	38	-	37
Total	33	38	-	3,
	•			





Approved: WILLIAM P. BARRA Date: 7/23/12

Civil Rights Division
Salaries and expenses
Cressealk of 1993 Changes
(Dellars in thousands)

				9 6	Congressional Appropriation	onel tion	Adjustme in Pere.	Adjustments in Pere.						
	199	1993 President's	dent's	æ	Actions on	5	Pos. 6	-				1993	Apprep	1993 Apprepriation
	3	Budget Request	quest	=	1993 Request	***	Hork	Workyears	F.	Reprogramings	į	Œ	Anticipated	P 10
	-	-				***********			1					
Activity/Pregres	<u>:</u>	₹	Ę	P.	Š	Ant.	Pos.	<u>.</u>	P.	₹	ē.	.	Š	æi.
	-	•	:	1	į		1	!		i	!	1	•	:
7. Civil Rights														
Federal appellate	24	٤	12,607	:	:	:	9	ą	:	:	:	8	E 7	12,607
Civil rights prosecution.	ē	3	3, 662	~	ą	- 125	:	:	:	:	:	;	\$	3,632
Special litigation	ĸ	먺	3, 233	:	:	:	:	:	:	:	:	23	2	3, 233
Vettng	3	3	7,402	:	:	:	:	:	:	:	:	3	3	7.
Esplayment litigation	2	3	5, 230	Ŧ	٩	-262	:	:	:	:	:	3	ន	4,976
Coordination and review	3	3		Ţ	7	-416	7	7	7	7	-1,629	*	న	3,241
Housing and civil	ì	:	•				,					1		•
enfercesent	٤	2	6,915	:	:	3	:	:	:	:	:	٤	*	6,415
Educational opportunities.	Ä	3	2,518	:	:	:	:	:	:	:	:	7	2	8, 51 8
Public access	:	:	:	:	:	:	:	:	\$	7	6.0	7	\$	F. 623
Management and adeinistration	22	3	10,662	:	:	-13	:	:	:	:	:	*	8	10,647
Total	3	3	54, 143			-24 -7 -1,443 -5 -5	ş	ę.	:	:	:	916	*	56, 788

Congressional Appropriation Actions. Congress applied a general reduction from the base program level of the General Legal Activities appropriation. Mone of the program increases reflected here were funded.

Approved Reprogrammings. Reflects the natification submitted to Congress on August 27, 1992, concerning the approved reprogramming of positions and funds required for the establishment of the Public Access Section. The Public Access Section is the principal unit within the Civil Rights Division responsible for implementation and enforcement of the Americans with Disabilities Act of 1990.

Civil Rights Division	Salaries and expenser, General Legal fativities	Sussairy of Requirements	(Dollars to thousands)
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(100075001) ut 3.461100)			
	•	ter's. Mork	•
10/75/00-10 Pare:	F.C.	Y 8 21 5	307081
电子工作 医医尿管 医克克氏管 医牙孔 医二氏虫虫		1 1 2 1	1 1 1 1 1 1 1 1
1993 as smacked	3	38	154, 168
1994 persenent positions and workyear reductions	₽?	ů	:
	:	:	
1993 appropriation anticipated	516	*	2
	:	:	553
Appropriate Authority Committee Comm	:	:	4,515
Detrephe (Briebert), 301-Delloy)	:	:	\$
	1	:	
1994 Base	910	ş,	35, 36?
The trade to express deficite reduction targets	:	:	:
	:	:	
1954 Baseline	214	216	19

	1993	Approp	1993 Appropriation									
	4	Anticipated	Anticipated	-	1294 Baseline	1494 Baseline	<u>.</u>	1934 Estimate	. 3481	프	Increase/Decrease	0100.13
	Fer.			Per.					·e··•.	•		# ! ! ! !
Estimatos by bulget activity	P85.	Ì	Neo-int	¥0.	Ì	Heomy	£0;	ž	140000		ì	Heavet
	:	;	-	:	:		:	:	•	:	:	
Federal appellate.	3	7	189.	3	•	14		Ŧ.		7	ì	3.19
Cava ragits prosecution	;	; }	3,63,4	\$;	1000		;	1, 1/6	•		?
Special litigation	z	*	5,00	3	3	4.4.5		Ķ	7	: :	: :	: :
	83	3	7.4	7	3	1.11	å	ž	= :	:	: :	9
Esployeent litigation	?9	ន	4,976	ş	.ç	5, 77	99	63	5, 759	:	:	1
Coordination and review	3	5	3,1.41	٠,	ţ	4.4	.;	7	3,00	~;	7	
Meusing and givil enforcement	٤	2	6,415	93	3	***	_	3	,	:	:	
Educational appartunities	7	90	2,518	7	70,	7,001	·	9,	629	:	:	4
Fublic Access	?	7	6.4.9	;	;	6,624	;	:	6,6,79	:	:	-143
Menegeent and administration		3	19,64/	3	í	919	3	ý	1,846	43	'n	-184
[ot 6]	3.6	*	3	516	\$	38,43	3	485	877.40	20	7	4
Retablished workyears		٠			٠			٠			÷	
Total soringents		**			3			Ç.			7	
Cvertise		'n			า			•			:	
fatal compensable merkyears	-	3			1			438			-	

6-4

									Civil Rights Division	ghts D	4161	<u> </u>				;					
									Selectes and expenses	and e.	ense e					ý Þ					
								4	Suspery of Resources by Frogram	Searces	Dy 67	2									
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	7	₽	1992 As Enacted		19% Actual	19% Actual		49.00	1993 Apprepriation Anticipated	Apjust	sent s	Agusteents to base	£	lys faceline	lave baseline	5	1994 Estinate	1994 Estinate	2	d/esse	Increase/becrease
eates by budget activity		\$			5			5	Peech		È	Resunt		5	Resent		5	Peeralt	žž	5	Reeunt
ivil rights matters: federal appellate	***	:C3	5.43 5.43		22	2 2	34	≈3	33	: •	:-	:2	31		7.4 2.4	≎≇	:0:	84,619	7	7	
Special litigation.	HZZE	asse	2000 1	723 2	****		ಜವನಿಸ	288 4	1335 1405	· : :• :	• : :-	: :8	1234×	H23 4	5 ≘≈5	143 1 2	*******			: : : :7	:5 4 59
thusing and civil enforceselt. Guestional apportunities.	•	≈3	35		ಜನನ	12.00 10.00 10.00	273	×33	4.74 5.84 5.84	• •	• •	3 3	2=1		#333 403	375	373	325	• :::	•	i หมลั
		8	18,245	: =	1 =	1 3	: *			· 幸		\$ 3 .7	: 3		3	: 3	: 2	1	· ~	۲:	ş
Total	ĸ	3	¥7,5	ĸ	Ę	₹	3.5	*	κ,≊	:	:	:	915	*	¥	3	ş	3	-	7	Ş
leseberseable Markyears	:	•			•			•			:						•			:	
intal Mernyears	•	ş			7			*		•	: :			ĸ		. •	\$\$			7	
Mitter Merkyears: Helisday	:	:			:		•	:			:		•	:		•	:			:	
Aud. Other Tatal cepensable werkyaars.		:" 3		. 3	:" \$		- 141	.~ ! 8		•	::::		- 181	:" 3			:" 3			::::7	

nts pivision	and expenses	of Change	in thousands)
	Salaries	Suman	(Dollars

(notials in thousands)			
		Mork-	
	Pos.	Years	Amount
1993 As Enacted.		2	\$52,700
1993 permanent position and workyear reduction.	5	5	
	216	96	\$52,700
Admir	:	;	233
Mundatory Increases:		:	}
Armulization of 1993 pay raise	;		111
Within-marks invessed	:	:	9 6
The state of the control of the cont	:	:	780
The Late of the Control of the Contr	:	:	61
Federal Insurance Contribution Act (FICA)	:	:	114
Accident compensation	:	:	63
General Services Administration (GSA) rent.	:		1.116
Postal under-reported postage use.			14
GPO and Department printing	•	:	7
Committee security and disaster very meters	:	:	;
Small Control to the state of t	:	:	• •
CAPATONES THE MAY FAVIOR SELVICES	:	:	•
GAA recurring relimbursable services.	:	:	88
General pricing level adjustment	1	•	409
Total, mandatory increases	:		2.515
Decreases (Automatic, Non-policy):		:	
FTS 2000 aavings	;		-86
•	216	196	55, 362
SAVINGS to achieve deficit reduction targets.	***		111
1994 Basel Line	516	496	55,362

Civil Rights Division

Salaries and expenses, General Legal Activities
Justificiation of Program and Performance

Activity Resource Summary (Dollars in thousands)

Activitys Civil Rights	199	Appro Antaci	1993 Appropriation Anticipated	#	194 Ba	1994 Baseline	=	194 Es	1994 Estimate	Inc	eseo.ic	Increase/Decrease
	Pere.			Ferm		1				Fer.		· · · · · · · · · · · · · · · · · · ·
	Po.s.	ž	Amount	Pos.	¥	Amount	Pos.	¥	Amount	F05.	¥	HADUNE
	1	1	* * * * * * * * * * * * * * * * * * * *	:	;	:	-	:	1	:	!	
Federal appellate	36	27	15,607	as	13	95, 754	/.2	i,	\$2,619	(*)	Ų	3514-
Cavil rights prosecution	‡	94	3,632	94	‡	4,388	94	1	4,376	:	:	-14
Special litigation	ŞŞ	Ş	3, 233	SS	Šč	3, 429	ş) 	3,417	:	:	-15
Voting	83	89	7,400	83	9	1,111	.693	96	7,711	:	:	99-
Employment litigation	29	ŝ	4,976	99	ş	5,774	99	63	5, 759	:	:	S1-
Coordination and review	36	₩	3, 441	36	34	3, 463	55	31	3,221			500
Housing and civil			•			-			•			
enforcement	79	92	6,415	8.3	6.6	B. 384	83	99	9, 25	:	:	- - -
Educational opportunities	31	83	2,518	31	9,7	خ, 161	31	88	2,656	:	:	ņ
Fublic access	9	4	8, ⊌≥9	‡	4	9,644	4	4	67.9	:	:	-143
Management and									•			
administration	92	93	10,647	99	64	B, W.S.B	83		7,846	'n	'n	-184
Total	216	496	496 52, 780	516	4.36	55, 362	506	489	54, 536	9-	-8 -7	-866

This budget activity provides resources for the primary institution within the federal government responsible for enforcing federal statutes prohibiting dicrimination, the Civil Rights Division. Resources requested here will enable the Division to meet increased workload demands, continue the aggressive pursuit of investigations and, where warranted, the filing of cases to ensure the protection of individual rights.

	1993 Appropriati	pprop	riation	1994	Base	line	199	Esti		Incre	ag/ase	crease
	. B.	¥	POS. MY Amount	. Be	Æ	Pos. W Amount	2	至	POS. HY AMOUNT	88	X	Pos. MY Amount
Federal appellate activity	30	27	30 27 \$2,607	30	27	30 27 \$2,754	27	52	27 25 \$2,619 -3 -2	ក	?	-\$135

LONG-RANGE GOAL: To reduce the incidence of unlawful denials of civil and constitutional rights.

HAJOR OBJECTIVES:

To file on a selective basis, appellate level cases initiated by the government and serve as a friend of the court in appellate cases which have a substantial impact on federal civil rights enforcement.

To handle all appropriate appellate level litigation in the civil rights area rather than to have such cases handled by enforcement programs.

To provide legal coursel to government departments and agencies on civil rights issues, and legal coursel and research assistance, with respect to pending litigation, to other Division and Department programs.

To provide substantive support for the Division's legislative initiatives and to comment on the legislative proposals of others.

BASE RECEAR DESCRIPTION: This Program has primary responsibility for hardling the Division's work before the U.S. Supreme Court and courts of appeals, for giving legal advice to federal agencies and other organizations within the Department, and for preparing the Division's legislative initiatives and comments on other legislative proposals. Most of the Program's appeals are from district court judgments in cases originally handled by civil Rights Division trial sections.

ACCAPALISHMENTS AND MORKICAD: Accomplishments of the Federal Appellate program are presented below:

			Est imates	88
	1661	1992	1993	1994
Briefs Filed	81	98	82	82
Solicitor General Recommendations	38	77	ဇ္ဂ	8
Decision Not to Participate or Appeal	19	9	15	15
Legal Coursel and Research Assistance Provided	92	901	115	115
Ingislative Comment and Testimony	239	385	9	9

From october 1, 1991, through September 30, 1992, the Division filed 22 papers in the Supreme Court and 64 papers in the courts of appeals. Ninety percent of all merits decisions were in full or partial accord with the Division's contentions. The Supreme Court reached the merits in five cases, four of which were favorable to the Division. For example, in Fordios 'Marsi, a higher education desegraphic case, consistent with the position of the United States, the Court vacated and remanded the Fifth Circuit's ga page affirmance of the district court judgment, and held that the states violates its affirmative obligation if it perpetuates policies traceable to the dual system that courted that the states or require proof of significant injury for all violations. In Freezago v. Pitts, the Court agreed with the Department that in the course of superinficant injury for all violations. In Freezago v. Pitts, the Court agreed with the Department that in the course of superinficant injury for all violations. In Freezago is decided when the case, determine that it will not order further remedies where the school district, and may, while retaining jurisdiction over the case, determine that it will not order further remedies where the school district is in compliance with the decree. The courts of appeals rembared 37 merits decisions, 34 of which were in full or partial accountly observable or may, while retaining jurisdiction over position as an example of 1982 and the Surface Transportation and uniform Relocation Accountly of a state's implementation of the Voting Rights Acc. Both the Second Circuit and the Tenth Circuit uphed the constitutionality of a state's implementation of the World of Such funds on socially disable and a state military institute, agreeing with us district court judgment upholding the constitutionality of a "males only" admissions policy at a state military institute, agreeing with the state had not advanced any state policy to justify of fearing this distinctive educational program to men and not to

The program has responded to 100 requests for legal coursel to other Divisions and federal agencies on civil rights issues. In the legislative area, the program has prepared several bills proposed by the Administration: to extend the bilingual provisions of the Voting Rights Act which expire in August, 1992; to make crossburning and other hate crimes a felony; to amend the Civil Liberties Act of 1918 to authorize compensation for individuals of non-taganese ancestry who were interned along with their families of Japanese ancestry during World War II; and, to broaden the coverage of 18 U.S.C. 241 (which prohibits conspiracy to injure, oppress, threaten or intimidate any inhabitant in his exercise of civil rights) and 242 (which prohibits deprivation, under color of law, or any inhabitant's rights secured under the Constitution or federal law) to protect all "persons" and not just "inhabitants."

A program decrease of three positions, two workyears and \$130,000 is required to meet personnel levels established by the Administration. A program decrease of \$5,000 is the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the government's administrative productivity. These reductions will not impair the Program's ability to provide coursel and guidance.

-

	1993	progra	riation								!	
		ntici	pated	199	Base	line	1994	Str	1994 Estimate	Increase/Decrease	Sec/Dex	179456
	Perm.			Perm.		Perm.	Perm.			Perm.		
	P06.	¥	Pos. WY Amount	Pos.	¥	Amount	Pos.	¥	Amount	Pos.	氢	Amount
tts prosecution	4	40	\$3,632	48	4	\$4,388	48	44	\$4,376	:	:	-\$15
DAL: To significantly reduce police and other official criminal misconduct and to eliminate or substantially reduce violent	and oth	r off	icial crim	inal mis	conduc	and to	el iminate	or su	bstancially	reduce	violent	.,

<u>IONG-RANGE COAL</u>: To significantly reduce police and other official criminal misconduct and to eliminate or substantially reduce violent activity by private citizens (including organized hate groups) against others because of their race, religion, national origin, or sex, which interferes with the federal and Constitutional rights of individuals.

MAJOR OBJECTIVES

civil right

To ensure the timely investigation of criminal civil rights complaints.

To review expeditiously the investigative reports of potential criminal civil rights violations and to identify those with federal prosecutive

To present potentially meritorious incidents to grand juries for investigation and, where warranted, for indictment and subsequent trial.

To decline prosecution on those incidents that do not warrant federal prosecution.

To ensure a uniform and effective application of the federal criminal civil rights statutes nationwide by naviewing and authorizing criminal civil rights prosecutions proposed by the U.S. Attorneys.

BASE PROCRAM DESCRIPTION: This Program enforces federal statutes designed to preserve personal liberties. Two of these laws, passed during Reconstruction and amended in 1988, prohibit persons from acting under color of law, or in compiracy with others, to interfere with an individual's federally protected rights. Other statutes prohibit the holding of individuals in pechage or involuntary servitu: The Program is also responsible for the enforcement of the provisions of the Civil Rights Act of 1968 which prohibit the use of force or threats of force to injure of intimidate any person involved in the exercise of certain federal rights and activities. A recent law also proscribes interference with persons in the exercise of their religious beliefs and the destruction of religious property where there is an interstate

ACCOMPLISIMENTS AND WORKLAND: Accomplishments of the Civil Rights Prosecution program are presented below:

	1991	1992	1993 19	1994 1994	
Complaints Received.	9,835	8,599	8,600	8,600	
Complaints Reviewed	8,019	696,8	8,350	000,6	
Matters Investigated	3,583	3,212	3,200	3,200	
Matters Terminated	2,693	3,511	3,100	3,325	
New Matters to Grand Jury.	. 62	74	55	09	
Cases Filed	89	63	65	20	

investigated by the Federal Bureau of Investigation. The remaining 5,400 complaints were of a less serious nature in which the Program either requested additional information from the complainant or advised them that it was a non-prosecutable violation. The results of 74 investigations were presented to federal grand juries; 37 indictments were returned and 26 informations were filed charging 111 defendants, including 59 law enforcement officials. Trials were held in 17 cases, resulting in conviction for 13 defendants and acquittal for 17 defendants. In addition, 80 defendants pled guilty to violations of criminal civil rights statutes leading to an overall success rate the program received about 8,600 complaints alleging criminal interference with civil rights, approximately 3,200 of which were (convictions and pleas) of 85 percent. During 1992,

In 1994, \$525,000 four positions and four workyears will be reprogrammed from the Office of Redress Administration. This reprogramming will enable the program to bring prosecutions under the federal criminal civil rights laws in a more timely manner and be more responsive to the Nation's concerns in matters that receive national attention (police brutality and hate crimes).

A substantial majority of the complaints received involve allegations of official misconduct. As a result of an intensive federal grand jury investigation, four Los Angeles Police officers were indicted in the videotaped beating of Rodney King after being acquitted on state charges arising from this incident. Another Los Angeles Police officer was convicted for the beating of a juvenile, a Mexican national, who was severely injured after he tried to hide from the defendant who was trying to arrest him. Also in Los Angeles, four deputy sheriffs were acquitted in the severe beating of a truck driver and for their subsequent attempts to cover up and provide false testimony about their his court and others who were courthouse employees. In other cases filed this year, two federal law enforcement officers — an INS detention officer and a Federal Protective Service officer — pled quilty to assaulting arrestees while they were being detained; in North Carolina, seven police officers were charged with physically abusing homeless individuals arrested for public intoxication by beating them and pouring used cooking oil and hot coffee on them. Four of these officers ultimately pled quilty; two others were convicted and the seventh was misconduct. A Tennessee state judge was convicted of multiple counts of sexually assaulting women who were involved in domestic disputes in

Incidents of racial violence, the reporting of which has increased substantially in the past several years, remains another priority area for prosecution. In Iouisiana, 14 Mu Klux Klan members and associates pled quilty to charges arising from their participation in a series of cross burnings on the day that their Grand Dragon was to report to prison on a federal firearms violation. In Georgia, five Ku Klan members charged with violating the housing rights of several white women pled quilty to threatening them by burning crosses at their homes

because of their interracial associations. In other cases, the Grand Dragon of the Tennessee Ku Kluw Klan pled guilty to and an associate of the Aryan Nation was corvicted of shooting into a Nashville synagogue that had been vandalized and desecrated in an earlier incident. Two white supremacists were indicted in the stabbing of a black motorist at a gas station/convenience store near Bakersfield, California; one pled guilty and the other was convicted at trial. Two Virginia men pled guilty to vandalizing the property of an Afghan family they mistakenly believed to be from Iraq; the vandalism occurred shortly before the outbreak of hostilities in the Persian Gulf War.

The Program concluded a three-year involuntary servitude investigation when seven of eight defendants, leaders of a religious cult, pled guilty to charges arising from their systematic physical abuse of over fifty children who were coerced into performing archous athletic drills to attract financial support and corporate sporsorship for their group. The eighth defendant, whose daughter had died from the abuse inflicted on her, died of natural causes after the indictment was returned.

A program decrease of \$12,000 is the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the government's administrative productivity.

This reduction will not affect the ability of the Program to accomplish its mission.

	Amount Ros. MY Amount	\$3,417\$12
1994 Estimate	X	
1994	Pos. WY Amount	,429 35 32
ine	MY Amount	\$3,429
1994 Baseline	Ħ	32
199	Pos.	35
1993 Appropriation Anticipated	Pos. WY Amount	\$3,233
Approp Antici	¥	35
1993	Pos.	35
		Special litigation

LONG-RANGE COAL: To protect constitutional and statutory rights of institutionalized persons, mentally and physically handicapped persons of all ages, and the constitutional rights of persons confined in state and local prisons and jails, and enforce federal laws prohibiting racial discrimination in all public institutions, such as prisons and jails. LONG-RANGE COAL:

MAJOR OBJECTIVES

To investigate, upon rearonable cause, the conditions of confinement and treatment provided to persons in certain statutorily defined publicly operated institutions.

8 To obtain voluntary remediation of constitutional deficiencies or other violations of federal law; and, where voluntary remediation cannot obtained, to initiate litigation. To initiate and/or participate in litigation designed to eliminate racial discrimination from public institutions; establish constitutional conditions of confinement, care and treatment of institutionalized populations; and, to eliminate discrimination against handicapped

To ensure compliance with existing judgments or consent decrees governing conditions of confinement at public institutions.

pase FROGRAM DESCRIPTION: This Program is authorized to file suit to protect the rights of persons confined in certain state and local institutions and to enforce provisions of law which prohibit discrimination in public facilities on the basis of race, religion, and national origin. In particular, the Civil Rights of Institutionalized Persons Act of 1980 authorizes the Attorney General to investigate conditions of confinement at certain state and local institutions and, where he has reasonable cause to believe persons confined at such facilities are being deprived of their constitutional or federal statutory rights, to initiate civil suits to ensure the protection and full enjoyment of those rights. The Act covers jails, prisons, pretrial detection centers, and juvenile facilities as well as institutions for the mentally ill, developmentally disabled, and chronically ill.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Special Litigation Program are presented below:

1991	1992	Estim 1993	1994	
77	-	1		
1,664 138 41 10 3 38 5 5	2,795 125 40 40 10 9 39 39 35 88	2,800 135 135 43 11 8 42 6 6 90	2,800 135 46 11 11 12 12 30	
1,6	64 91 10 10 10 10 10 10 10 10 10 10 10 10 10		2,795 2,80 125 125 13 125 10 10 1 3 3 4 3 3 4 3 3 8	Estimat 2,795 2,800 125 10 10 11 9 9 8 39 42 4 8 35 38 88

During 1992, the Program continued to expend resources in monitoring compliance with consent decrees filed in Civil Rights of Institutionalized Persons Act (GRIPA) litigation and completing pending investigations. Compliance review, in some cases, indicated that efforts by defendants had failed to achieve constitutional minima despite specific remedies in the decrees.

The Program filed three new cases — one against the State of Tennessee (Arlington Development Center), another against the Commonwealth of Penrsylvania (Ebensburg Development Center). In <u>U.S.</u> v. <u>Tennessee</u> and <u>U.S.</u> v. <u>Penrsylvania</u>, the defendants filed motions to dismiss our complaints primarily on the grounds that they did not owe constitutional duties of care to voluntarily committed residents. The Program apposed these motions and the courts denied them in both cases. To date, the Program has begun eleven new investigations and completed findings in eight investigations in Washington State, Tennessee, Penrsylvania,

Arizona, New York, Mississippi, Montana, and Alabama. The Program continues to engage in extensive on-site monitoring activities to evaluate compliance with consent decrees in 25 cases.

The Program also implemented an initiative in prison reform litigation in two long-standing cases—Ruiz and U.S. v. Collins and U.S. v. Middiaga, v. In Ruiza, the Program supported the State's motion to terminate the litigation on the grounds it had substantially complied with outstanding court orders. In Midhigan, we joined with the state in moving to dismiss most of the outstanding orders also on the grounds of substantial compliance.

crease	Pos. MY Amount	-\$12
See/De	¥	:
Incre	1 00	:
nate	Pos. WY Amount	32 \$3,417
1994 Estimate	氢	32
199	PS	35
line	MY Amount	\$3,429
4 Baseline	Ĭ	32
199	Pos.	35
å		Ligation
DOCTORN CHANCES	THE PARTY AND PROPERTY OF THE PARTY OF THE P	Special litigati

A program decrease of \$12,000 is the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the government's administrative productivity.

This reduction will not affect the ability of the Program to accomplish its mission.

	1993 Appro	1993 Appropriat Anticipate erm. Wy Amo	icipated Amount	Perm.	M Base	1991 Baseline Perm, WY Amount	Perm. Pos.	1994 Estin 1. WY	1994 Estimate Perm. Pos. Wy Amount	Incre Perm. Pos.	ase/Dec	Increase/Decrease Perm. MY Amount	
Voting	83	8	\$7,402	83	1 %	111,11\$	83	8	\$7,711	:	:	99\$-	

<u>LONG-PANGE COAL</u>: To prevent and eliminate systemic barriers to the full participation in the electoral process by racial and language minorities, overseas citizens, and voters who are blind, handicapped, disabled, or illiterate and to achieve effective remedies for those citizens where their right to vote has been denied or abridged.

MAJOR OBJECTIVES:

To discover and remady methods of conducting elections that dilute the voting strength of racial and language minorities, and actions of state and local election and voter registration administrators that prevent a full and fair exercise of the franchise by racial and language minorities, overseas citizens, and voters who are elderly, handicapped, blind, disabled, or are unable to read or write.

To prevent, through the Section 5 preclearance program, the implementation of new standards, practices and procedures that have the purpose or effect of denying or abridging racial and language minorities' right to vote throughout the 911 counties specially covered by the Voting Rights Act (VRA).

To defend lawsuits that are brought against the United States under the special provisions of the VRA to preclear voting changes and terminate coverage, and initiate lawsuits against jurisdictions that violate the preclearance requirements of Section 5.

To assure the assignment of federal observers to polling places within the specially covered counties where needed to document discriminatory actions in the electoral process. members of <u>PASE PROGRAM DESCRIPTION</u>: This Program enforces laws designed to safeguard the right to vote of racial and language minorities and members other specially affected groups. In enforcing the Voting Rights Act, the Program brings lawsuits against states and local jurisdictions to challenge unfair election systems; under Section 5 of the Act, administratively reviews voting changes, including such highly sensitive matters as redistricting plans, to determine whether they are discriminatory in purpose or effect; and monitors election day activities through the assignment and oversight of federal observers.

ACCOMPLISIMENTS AND WORKLOAD: Accomplishments of the Voting program are presented below:

			Est	Estimates	
	1661	1992	1993	1994	
Cases Piled.	11	23	20	70	
Active Cases.	20	30	30	30	
Section 5 Submissions Handled	4,270	5,445	4,500	4,500	
Section 5 Changes Handled	17,373	23,463	16,000	16,000	
Matters Handled*	25	111	160	160	

*Improved case management system results in a more accurate count of matters handled beginning in 1992.

1992 involving voting Rights Act chall ages and judicial preclearance requests for redistricting plans. The lessening of these suits will allow the Program to resume the focus of its resources on plaintiff activity, such as Section 2 challenges to racially discriminatory methods filed in 1992 is attributable, in part, to the defensive and anious lawsuits in which the Program participated in of election, especially in the west and southwest. The number of cases (23)

During 1992, 5,445 submissions were received under Section 5 containing 23,463 voting changes. Objections were interposed to 101 submissions, including 129 voting changes. Objected to were redistricting plans from ten different states, 41 counties and 13 other local jurisdictions, as well as voting changes making it more difficult to become or remain registered to vote in Georgia, Mississippl and an Arizona county, reducing opportunities for single-shot voting in cities in Georgia and Taxas by imposing ballot restrictions, including the use of numbered posts and straggered terms, and reducing the opportunities to elect candidates of their doloe in jurisdictions in Georgia, Louisiana and Taxas. In addition, objections were interposed by the Attorney General to attempts by Alabama, Louisiana, and a Georgia county to create additional judgeships that would be chosen using electoral procedures that dilute minority voting strength, and an attempt by North Carolina to limit opportunities for single-shot voting for judges.

In addition to continuing litigation to end discumination in the election of judges at the state and local levels in Alabama, Georgia, Louisiana, and Texas, the Program participated in 23 new lawsuits during 1992, ten as plaintiff, seven as defendant, and six as <u>amicus curiage</u>. Most of these new actions are concerned with redistrictings, both statewide and local, in Alabama, Florida, Louisiana, Mississippi, North Carolina carolina Republican Party, one of the exceptions, and Texas. <u>United States</u> v. <u>North Carolina Republican Party</u>, one of the exceptions, alleged that the defendants (the North Carolina

Republican Party, the Helms for Senate Committee and others) had intimidated voters prior to the November 1990 election in violation of the Civil Rights Act of 1957 and the Voting Rights Act by sending postcards to about 125,000 voters, 97 percent of whom were black, falsely informing them about eligibility to cast ballots, and combining this false information with a warning concerning criminal penalties for voter fraud; on february 27, 1992, the court entered a consent decree which, among other things, requires defendants to obtain court approval prior to conclucting future ballot security programs. In addition, lawsuits were brought against the states of Wisconsin, Delaware, Michigan, and New Jersey and against New York City to assure that overseas citizens would be able to participate in the primary elections held by those states, despite the late mailing of absentee ballots. Noteworthy among litigation results was the court's granting of a preliminary injunction against the use of runoff elections for at-large offices by Memphis, Tennessee, which resulted in the first election of a black candidate to be the Memphis mayor. During 1992, 615 federal observers were assigned under Section 8 of the Voting Rights Act to monitor 11 elections in 25 counties in seven states (Alabama, Arizona, Georgia, Mississippi, New Mexico, New York, and Texas). In addition, the program continued to maintain contact with the Department of Defense's Federal Voting Assistance Program, the Federal Election Commission's <u>National Clearinghouse</u> on Election Administration, the Bureau of the Census, and the Office of Personnel Management to coordinate with and assist the personnel in those agencies who have responsibility for implementing programs relating to statutes enforced by the Division.

PROGRAM CHANGES:	1994 Perm.	1994 Baseline	90	1994 Perm.	1994 Estimate	ate	Perm.	Increase/Decreas	rease
• •	Pos. MY Amount	ŽĮ.	Amount	Pos,	Œ.	Pos. MY Amount	<u>8</u>	Ħ	Pos. MY Amount
Voting	83	98	111,11\$	83	80	\$7,711	:	:	99\$-

A program decrease of \$66,000 is the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the government's administrative productivity.

This reduction will not impair the ability of the Program to accomplish its mission.

	1993	1993 Appropriati	riation	199	994 Baseline	line	199	1994 Estimate	ate	Incr	ag/ase	rease
	B 6	Æ	Pos. W Amount	Pos.	¥	MY Amount	Pos.	XH.	Pos. WY Amount	Pos.	¥	Pos. W. Amount
Employment litigation	62	29	59 \$4,976	99	63	66 63 \$5,774	99	63	63 \$5,759	:	:	-\$15

<u>LONG-PANGE COAL</u>: To reduce employment discrimination by state and local governmental units and federal contractors.

MAJOR OBJECTIVES:

To investigate complaints referred to the Program by the Egual Employment Opportunity Commission (EECC) within 60 days of the referral, to make a recommendation to the Assistant Attorney General or to close the case and issue a letter of right-to-sue within 90 days of the date the

investigation commences and to file suit with or without a consent decree within 45 days of the Assistant Attorney General's approval of the complaint

To file 18 cases based upon referrals of charges from the EEDC.

To issue right-to-sue notices to persons who have filed, with the EDOC, complaints of employment discrimination against state and local governments within 14 days of receipt of a request. BASE PROCRAM DESCRIPTION: This Program enforces the foderal prohibitions against discrimination in employment based upon disability, race, sex, religion, national origin, and disability. The Department of Justice is the sole federal agency empowered to initiate litigation to redress such employment discrimination by units of state and local government. In addition, the Program represents other federal agencies which are sued by virtue of their enforcement of federal equal employment opportunity laws. It also has litigating responsibility in the employment area in the private sector on referral from the Department of Labor of cases against federal contractors pursuant to Executive Order 11246 and other federal agencies pursuant to Section 504 of the Rehabilitation Act of 1973.

ACCOMPLISIMENTS AND WORKLOAD: Accomplishments of the Program are presented below:

			Estin	Estimates	
	1651	1992	1993	1994	
Agency Referrals (EDOC and Defensive Cases)	228	102	115	135	
Cases Commenced (Pattern and Practice, EDC and Defensive Cases)	97	22	56	30	
Cases Terminated	23	24	56	31	
Right-to-Sue Notice Requests Received	1,598	1,630	1,900	2,000	
Right-to-Sue Notices Issued.	1,597	1,700	1,900	2,000	
Decrees Requiring Monitoring.	160	162	162	180	
Decrees Actively Monitored	09	09	3 3	ទូខូ	
Decrees Obtained	30	30	ş	35	

1994, \$500,000, four positions and four workyears will be reprogrammed from the Office of Redress Administration to provide the support necessary to meet responsibilities of the ANA. The additional attorney and staff resources are necessary to have a viable and effective litigation effort. It is important to demonstrate from the outset that the Department of Justice will enforce vigorously the provisions of the ANA in the state and local government areas. Such a program not only will vindicate the rights of the disabled, it also will send a program senforcement efforts that the United States is serious in its enforcement efforts will be encouraged by the Program's enforcement efforts to review voluntarily their employment practices and amend or eliminate those that discriminate unlawfully against the disabled who are otherwise qualified for employment. It is not possible or desirable to divert resources from the Program's litigation and enforcement responsibilities because current Title VII and other litigative responsibilities have become extremely complex and are increasing. 드 Title I of the Americans With Disabilities Act (ADA) became effective on July 26, 1992, and the program has begun its enforcement effort.

In the area of Title VII enforcement, the Program has active litigation with several major government employers including the States of Alabama, New Jersey and Louisiana, and the cities of Miami, Florida; San Francisco, California; Montgomery and Birmingham, Alabama; Jackson, Mississippi; Chicago, Illinois; the Parish of Orleans, Louisiana; and, the Commonwealth of the Northern Mariana Islands.

The Program is also involved in identifying and making whole, victins of discrimination in litigation with the states of Delaware, Florida and Massachusetts.

The Program continues to work in conjunction with test development experts in the preparation of valid entry level examination for protective service positions.

36 Annually, the EEDC refers unresolved complaints of employment discrimination for litigation. Each one of these referrals is reviewed l staff attorney to determine if Aurther investigation is warranted. If so, an investigation and, if appropriate, litigation follows. ? number of EEDC referrals has increased since the effective date of the ADA. The Program's responsibility to monitor decrees has increased significantly and there are expected to be approximately 180 decrees for which the Program has enforcement responsibilities pending at the beginning of 1994.

SCHANGES AND MACES	Perm.	Baseli		1994 Estimate	Estin	te	Incre	ase/Decro	rease	
	Pos. MY Amount	X		Pos. WY Amount	HX.	Amount	Pos. WY Amount	XΜ	Amount	
Employment litigation	99	63	\$5,774	99	63	651,759	:	:	-\$15	

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A program decrease of \$15,000 is the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the government's administrative productivity.

This reduction will not affect the ability of the Program to accomplish its mission.

	1993	Approp	1993 Appropriation Anticipated	19	24 Bas	1994 Baseline	199	1994 Estimate	nate	Incre	ed/ese	rease
	B 8	至	Pos. W Amount	8	至	POS. HY Amount Pos. HY Amount	188	¥	Amount	88	¥	Pos. MY Amount
Coordination and review	36	34	\$3,241	36	34	\$3,423	33	33	\$3,221	-3 -3 -\$202	7	-\$202

LONG-RANCE COLD: To achieve expression and effective enforcement of various civil rights statutes that prohibit discrimination on the basis of race, color, national origin, handloap, sex, and religion in federally assisted programs, on the basis of disability in state and local government services, and on the basis of handloap in federally conducted programs.

MAJOR OBJECTIVES

Implement administrative enforcement of Title II (Public Services provision) of the ADA.

Refer findings of noncompliance for possible litigation or funds termination under Section 504 of the Rehabilitation Act of 1973, (prohibits discrimination on the basis of race, color, national origin, sex, handicap or religion in federally conducted programs) as amended, as

Coordinate consistent and effective government-wide enforcement of Title II through the issuance of policy guidance and assistance to other "designated agencies" assigned investigatory responsibilities.

\$ Maintain a "clearinghouse" function to refer Title II and other civil rights complaints to the appropriate investigatory agencies, and monitor the disposition of those complaints.

Develop new regulations and amendments to existing regulations for tod and for other agencies.

Maintain a continuing program of oversight, regulatory and program review, policy guidance, and technical assistance under Executive Order 12250 with respect to federal agencies administering federally assisted programs and to maintain liaison with other Department organizations and federal agencies involved in civil rights litigation. Maintain a continuing program of oversight, regulatory and program review, policy guidance, and technical assistance to all federal executive agencies, and Department component organizations, to enable them to meet the requirements of Section 504 with respect to their federally conducted programs.

Investigate complaints alleging civil rights violations by recipients of federal financial assistance from the National Institute of Corrections and other DOJ components.

Americans with Disabilities Act (ADA), which prohibits discrimination against individuals with disabilities in the receipt of public services. This regulation affects all operations of state and local governments, whether or not they receive federal funds. The Program is responsible both for the coordination of Title II administrative enforcement by other agencies, and for the Department's can complaint investigation and complaince review functions, which involve investigating complaints, seeking resolution of complaints through alternative dispute resolution techniques and voluntary compliance agreements, issuing formal letters of findings of compliance and noncompliance, and performing compliance BASE PROCESSAN DESCRIPTION: The Coordination and Review Program implements the administrative enforcement provisions under Title II of the

The Program ensures that all federal Executive agencies effectively and consistently implement the nordiscrimination provisions of federal statutes prohibiting discrimination on the basis of race, national origin, handicap, religion, or sex, in programs that receive federal financial assistance. Under Executive Order 12250, the Program undertakes a diverse array of regulatory and administrative initiatives. The Program reviews all new civil rights regulations for consistency, adequacy, and clarity; approves annual civil implementation plans setting forth the goals, priorities and proposed activities of the various agencies; collects government civil rights workload and performance data;

provides training and technical assistance to improve their civil rights enforcement procedures and programs as well as outreach programs; and, promotes interaguncy information sharing and cooperation.

The Program provides support to the Assistant Attorney General for Civil Rights as the Chairperson of the Interspercy Disability Coordinating Council established under the Rehabilitation Act Amendments of 1992, and as the Department of Justice representative on the ATBCB. Support is provided to the Office of the Solicitor General, the Civil Division, and other federal agencies as discussed above.

ACCONTIGENTIA AND HORKIGAD: Accomplishments of the Coordination and Review program are presented in the following table:

	1661	1992	1993	1994
ADA Title II Complaints:				
New complaints retained for investigation	:	301	220	550
Closed	:	28	300	8
ADA Title II Coordination:				
Complaints referred to other acencies	:	274	520	220
Responses to citizens and public officials.	:	200	350	320
Regulatory Activities:				
ADA regulations and policy quidance documents reviewed/developed	:	20	25	25
Other regulations and policy documents reviewed/developed	o	ø	25	52
Executive Order 12250 Activities:				
Reviews conducted of agency programs/data	23	50	50	20
Responses to citizens and mublic officials	289	300	330	330
NIC and other complaints closed	22	45	20	S

Accomplishments and workload reporting categories have been revised for 1992-1994 to reflect implementation of Title II coordination and complaint investigation responsibilities and to more clearly report on regulatory and policy activities under the ADA and E.O. 12250,

respectively.

Implementation of Title II of the ALM commenced on January 26, 1992. In the remaining nine months of 1992, 575 Title II complaints were recaived, of which 301 (those involving criminal justice agencies or general government activities) were retained for investigation. The program referred the remaining 274 complaints to the appropriate agency or Title II designated agency using a newly established interim nanagement information system and specifically designated intaky/referral staff for this purpose. Based on complaint activity thus far in 1993 (130 referred and 135 retained by the Program), it is anticipated that 520 complaints will be referred to other agencies and that 550 will be retained by the Program for investigation. An investigations manual was developed, complaint review and investigation procedures were established, and a new complaince structure, including a separate Investigations thit, was established.

The Program provided procedural guidance to "designated agencies" responsible under the DOJ implementing regulation for conducting Title II investigations and to Section 504 funding agencies regarding the relationship of Title II and Section 504. The Program provided support to

the Interspercy Coordinating Council in its review of issues related to the coordinated enforcement of Section 504 and the ADA, and to the Architectural and Transportation Barriers Compliance Board (ATBCS), which issues accessibility guidelines for Title II and Title III and provides technical assistance. The Program also identified and began study of major Title II enforcement policy issues and responded to an influx of inquiries and requests for policy interpretations from public officials, associations and citizens. The Program's regulatory activities included the development and publication, in conjunction with the Equal Employment Opportunity Commission, of a proposed regulation for coordinating ADA employment complaints, the analysis of comments, and the preparation of a final rule. The Program also; quided the development of the ATBCB's Title II design standards for state and local governments; coordinated and cleared for publication a Department of Education regulation on frings benefits; developed several proposed and final rules amending DD's Title II and Title III ADA rules and a DD Age Discrimination regulation; and, approved several Section 504 regulations for federally conducted programs.

With respect to Executive Order 12250 activities, the Program reviewed the civil rights plans and workload and performance data reports from 20 agencies.

SECOND MEGACINA	1994 Baseline	eline	1994 Estimate	Estim	te e	Incre	Increase/Decrease	2000	
A. DOMINAL AND RESERVE	Pos. MY Amount	Amount	POS. WY AMOUNT	¥	Amount	8	Ħ	Pos. W. Ancunt	
Coordination and review	36 34		33 31 \$3,221	31		-3	ç	-\$202	

A program decrease of three positions, three workyears, and \$196,000 is required to meet personnel levels established by the Administration. A program decrease of \$6,000 represents the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity.

988	mount	-\$52
mod/es	WY Amount	
Increa	1808	:
		\$8,252
1994 Estimate	¥	80
199	Pos. MY Amount	83
eline	Post. HY Amount	80 \$8,304
294 Baseline	Ħ	
8	Pos	83
iation	Amount	\$6,415
1993 Appropriati	3	9/
1993 A	100	79
		Housing and civil enforcement

LONG-RANCE COAL: To eliminate illegal discrimination in housing opportunities and credit transactions; to eliminate illegal discrimination in places of public accommodation; and, to secure general compliance with the Equal Credit Opportunity Act (ECCA) and its implementing regulations.

A TOR OBJECTIVES

To investigate compliance with and initiate litigation to enforce the Fair Housing Act and the ECCA, monitor final court orders resulting from such suits, and move for contempt of court or other relief where the facts warrant.

To initiate litigation, upon referral from the Department of Housing and Urban Development (HUD), to enforce the Fair Housing Act.

To communicate equal housing and equal credit opportunity information to the public by liaison with federal, state and local enforcement agencies, and private fair housing groups. To investigate compliance with and initiate litigation to enforce the provisions of Title II of the Civil Rights Act of 1964 relating to

BASE PROCEDAN INSECRIFICAL: This program enforces federal statutes prohibiting discrimination in housing, consumer credit, and public excormodations. Authority in this area has been substantially expanded by the Fair Housing Amenchants Act of 1988. This Act, which went into effect in March 1989, gives the Program added authority to seek damages and civil penalties, in addition to injunctive relief, in fair housing cases; to seek relief for individual victims of discrimination as well as against the "pattern and practice" of discrimination; and, to seek relief where there is discrimination on the basis of hundicap and familial status in addition to race, color, religion, national origin and public accommodations.

ACCOMPLISHENTS AND WORKLOAD: Accomplishments of the Program are presented below:

		:	Estimates	ates	
	1661	1992	1993	1994	
Total Number of Cases Filed or					
Participated In	105	82	125	135	
Fair Housing:					
HUD Referrals Requiring Filing	79	99	80	80	
other HD Referrals	7	S	2	01	
Pattern or Practice or Intervention.	9	σ	50	30	
Anious Ouriae	80	٣	5	2	
wal Credit Oxortunity Act *	:	٦	5	5	
Public Accommodations.	c	-	٣	c	
Defensive and Other Actions	~	-	7	7	
Judgments or Court Decisions:					
Consent Decrees	36	74	80	8	
Litigated Judgments.	16	12	50	52	

*The projected number of cases in this category includes cases brought pursuant to the mortgage lending initiative, cases which will be brought as pattern or practice cases under the Fair Housing Act and the Equal Credit Opportunity Act. For 1992, the one case filed under this category is not reflected in the total number of cases filed inasmuch as it is included in the Pattern or Practice category.

The number of cases filed in 1992 was the second highest number of cases ever initiated by the Program in one year, but somewhat below the number filed in 1991. The case filings in 1991 and 1992 are as much as five times that of the period prior to the implementation of the 1988 Fair Housing Ameriments Act, and are the result primarily of the influx of cases being referred to us by HD, referrals which the amended Fair Housing Act Inquire the Program to initiate litigation in federal court. The increased filings also reflect the amended Act's new coverage of discrimination on the basis of familial status and handicap. Two of the filings in 1992 are anongst the largest, most complex and most significant cases filed by the Program in many years. One of the cases was the first pattern or practice case attacking discriminatory mortgage lending practices against blacks by a bunking institution. Filed with the complaint was a consent docree which was approved by the court. It provided monetary relief of \$1 million for 47 persons victimized by the discrimination as well as extensive injunctive relief designed to cure the discrimination. This case was the result of the Attorney General's initiative announced in November of 1991 to address this issue and was the culmination of the most complex investigation in the Program's history, involving complicated and sophisticated data-subtering and statistical analysis, as well as intensive analysis of all aspects of lending institutions' operations and the persons who applied for mortgages. With this case and consent docree, the Program expects to continue with future investigations and cases of this kind.

country. The complaint alleged widespread discrimination in the tenant assignment practices of the Authority. At the time the complaint was filed, a comprehensive consent decree which had been regotiated in pre-suit regotiations was submitted to the Court providing extensive relief for victims of the discrimination (estimated to be worth \$20 million) as well as injunctive relief requiring a new tenant selection plan. The second major case was a pattern or practice case against the New York City Housing Authority, the largest public housing authority in the

The Program expects an increase in the number of pattern or practice cases in 1993 and beyond as a result of a second major initiative of the Attorney General, also announced in November of 1991. Such cases are especially important to the Program's enforcement effort because of their greater scope than the cases referred to us by NUD (which generally involve individual instances of discrimination), and because they permit the Program to better focus its enforcement efforts. The Attorney General's initiative authorized the Program to implement a fair housing testing housing testing housing testing has become the most effective investigative tool and evidence in a fair housing asses, until this initiative, the Program had never conducted its own testing, instand, it relied on testing evidence generated by private fair housing assessiblity and flexibility, and will greatly enhance the ability of the Program to enforce the Forgram new and important level. The evidence that is generated through this initiative is amongst the strongest evidence of housing discrimination available. As a result, the Program expects the testing initiative to result in a significant increase in the number of pattern or practice fair housing cases throughout the country in the future.

In order to provide adoquate resources to accomplish these initiatives, \$1,460,000, four positions and workyears will be reprogrammed from the Office of Redress Administration in 1994. The reprogramming will cover the costs of expanding both the mortgage lending initiative and the testing program. This allocation will be used to hire persons on a contractural basis and formulate and conduct the testing.

crease	Fos. MY Amount	-\$52
00/9 6 09	Ħ	:
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mate	Exs. WY Amount	83 80 \$8,252
1994 Estimate	Æ	80
199. Herm.	FOS	83
1994 Baseline	Pos. MY Amount	80 \$8,304
4. INSC	¥	
199	100	83
HOGINA CINKIN:		Housing and civil enforcement

A program decrease of \$52,000 represents the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity.

	1993	Appro	Appropriation	81	1994 Baseline	aline	661	1994 Estimai	ate	Local	AG/Ser	TBASe	
	Pos	¥	Pos. MY Amount	B 8	¥	Post. MY Amount	Pos. HY Amount	Ä	Amount	BOST	Ħ	MY Amount	
Educational opportunities	33	88	\$2,518	31	88	\$2,661	31	28	\$2,656	:	÷	-\$5	

2 LINK-PANCE COAL: To eliminate segregation in public elementary and secondary schools and public institutions of higher education. eliminate discrimination in and/or denial of educational opportunities to Native Americans and other ethnic minority groups.

MAJOR OBJECTIVES:

To eliminate denial of equal protection of the law in educational institutions on account of sex; and, secure equal educational opportunities for students in public school systems and educational institutions receiving federal financial assistance.

To seek supplemental judicial relief to aliminate the vestiges of racially dual school systems and to achieve compliance with constitutional requirements. This relief in school districts will lead to the elimination of the need for judicial supervision of many of these school districts.

To file lawsuits, upon referral from the Department of Enhcation (ED), to enforce nordiscrimination assurances made by educational institutions receiving federal funds and defend ED against court challenges to its authority to enforce civil rights assurances by federal recipients through the administrative process.

BASE HECTRAL DESCRIPTION: This Program enforces federal statutes which require nordiscrimination in public education. Beforement efforts involve elementary and secondary schools, as well as public colleges and universities. The Program also has responsibility for representing

the Department of Education in certain types of suits filed against the Sacretary of Education, as well as for filing suits on behalf of the Secretary when school districts fail to comply with various statutes.

ACCOMPLISHMENTS AND MAKKIGAD: Accomplishments of the Program are presented below:

			15t mares	
	1661	1992	1993	1858
Cases/Matters Received.	545	480	525	525
Investigations Conducted	450	360	360	360
Cases and Major Motions Filed	58	23	30	30
Cases Closed	147	125	150	150
Defensive Cases in Progress.	01	o	2	9
Judgmants/Decrees/Agreements	215	175	210	210

In 1992, the Supreme Court decided Preeman v. Pitts. This is a very important school desegregation decision for two reasons. First, the Supreme Court clarified the law regarding the compliance obligations of school districts operating under a desegregation order. In this regard, the Court also emphasized for the first time that full compliance with a desegregation order should also include an examination of the quality of education that minority stukents are receiving. Second, the Court clarified the standard to be applied by district courts in electromicing whether a school district has obtained unitary status and is eligible to have its desegregation court order dismissed. Furthermore, for the first time the Court adopted the logal rationale that a school district may obtain partial unitary status if it can show compliance with some aspects of its order (e.g., texter hiring and assignments and participation in extraouricular activities), but not with other aspects of the order (e.g., stukent assignment and quality of education).

The Pitts decision has enhanced the Program's enforcement efforts. For example, recent enforcement efforts have not just emphasized traditional desognegation issues but have also emphasized obtaining relief for minority students which results in enhanced obtained opportunities. In several cases the Program has either obtained consent decrives or court orders which require that school officials ensure minority students receive equal and full access to programs for gifted students and advanced academic programs. An order obtained in a case against the st. John The Baptist School District in Louisiana requires that the district add academic programs to the curriculum of a predominantly minority school and thereby make this school comparable to the curriculum at another school in the district which enrolls a large number of white students. In other cases, school districts have been required to construct new facilities to ensure that minority students attend desognegated schools and that minority students have better facilities.

The Program has pursued a special initiative involving addressing the needs of non- or limited English speaking students who are being denied equal educational opportunities because of language barriers. An investigation was conducted of allogations that Navajo Indian students enrolled in the Cuba School, in New Maxico, were being placed in special education classes; that Navajo students were dropping out of school at a disproportionate rate because of language barriers; and, that the district was failing to take reasonable steps to employ bilingual teachers. The issues involving the Cuba District were recently resolved by an agreement; the district will take affirmative steps to address each of the above-stated issues. The Program is in the process of conducting a similar investigation involving Native American students.

in United States v. State of Louisians entered an order and a judgment adopting a comprehensive statewide desegregation plan and requiring the state to begin immediately to implement said plan. Among other things, the plan requires each state institution to take affirmative steps to recruit other-race students and to recruit and employ other-race faculty and administrators. The plan also contains several provisions designed to enhance the programs and facilities of the historically black institutions. The State is expected to file an appeal and seek to stay implementation of the plan. On December 23, 1992, the District court The Program was successful in obtaining another favorable court judgment in a higher education case.

the district court for further proceedings. Subsequent settlement discussions were unsuccessful and the Court and the parties are currently in the process of determining those issues which should be covered at any new liability trial. It should be noted that following the unsuccessful negotiations, the state defendants proposed a remedial plan which has been uniformly rejected by the existing parties, some state institutions, and others; indeed, because of that proposal, several groups have filed requests with the court seeking to participate in the case as a party or in some other capacity in order to assist the district court in developing an acceptable plan. We anticipate that this Additionally, in June 1992, the Supreme Court issued a favorable decision in <u>United States and Ayers</u> v. <u>Fordios</u>. This is the first decision of the Supreme Court which deals squarely with the area of higher education desegregation; thus, it clarifies the law in this area. Based upon the <u>Pordios</u> decision, an unfavorable decision of the lower court in the Mississippi cases was reversed and the case has been remainded to case will require extensive discovery and a new trial.

5 In the area of sex discrimination, the Program completed an investigation of allegations of sex discrimination and harassment of females in the Corps of Cadets at a major Texas public university. Although the investigation has not been completed, the university in question has agreed to take positive steps to address the problems raised in the complaints.

FOOTRAM CHANCES	1994 Dorm	94 Baseli	ou	1994	1994 Estimate	ate	Incre	od/ssx	crease
PURCHALL SOLAR SPEN	Bos	氢	MY Amount	198	¥	Pos., MY Amount	188 188	¥	Pos. W Ancunt
Educational opportunities	31	88	\$2,661	31	28	\$2,656	÷	:	-\$5

A program decrease of \$5,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. This reduction will not affect the ability of the Program to accomplish its mission.

rease	Amount	-\$143
sase/Dex	₹	:
Incra Perm.	Posi	:
mate	Amount	\$8,679
1994 Estimate m.	Ĭ	4
Perm.	Post. MX	44
eline	Pos. MY Amount	44 \$8,822
1994 Basellir	Æ	4
Perm.	Pos	44
riation	MY Amount	40 \$8,029
1993 Appropriat Anticipate		40
1993 Perm.	Pos	40
		Public access

To insure that public and private entities comply with the Americans with Disabilities Act (ADA) and the Department's regulations prohibiting discrimination in public programs and services and public accommodations. LONG-PANGE COAL:

MAJOR OBJECTIVES

Ξ principles and technical assistance necessary to create a nationwide climata where voluntary compliance with Title (public services) and Title III (public accommodations and services operated by private entities) of the ADA can be achieved. legal Develop the

Secure compliance with Titles II and III by initiating litigation or participating in private suits when there is an alleged pattern or practice of discrimination or when the alleged discrimination raises issues of general public importance.

Coordinate a government-wide technical assistance program to ensure consistency and efficiency among agency programs.

Manage the Department's technical assistance program directed to public services and public accommodations

Manage a program to cartify that state and local building codes meet ADA Accessibility Guidelines.

BASE PROCESSALETION: This program implements the Department of Justice's responsibilities under Titles II and III of the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability in public ecommodations, commercial facilities, and the programs, services and activities of state and local governments. Program staff receive and invertigate complaints of alleged discrimination in public accommodations under Title III of the ADA and, where facts and legal standards justify, file complaints in the appropriate district courts to remedy unlawful discrimination in the provision of public accommodations and commercial facilities. The program will also initiate litigation based on referrals from eight federal agencies designated to handle administrative enforcement under Title II of the ADA for state and local government programs, activities, and services, including litigation to ensure that transportation systems in the country are accessible. Program staff seek to avoid contested litigation through the entry of settlement agreements and court approved and enforceable consent decrees. Suits seek to remady all forms of purposeful discrimination and practices having a discriminatory impact. The program monitors decrees in order to ensure that the teams of the decrees are fulfilled.

The Program provides technical assistance to and acts upon requests from state and local jurisdictions seeking certification that their building codes meet or exceed ADA accessibility requirements. The Program provides public notice and conducts public hearings on its proposed certifications. The Program also manages a government-wide technical assistance program in order to facilitate a coordinated approach to achieving voluntary compliance with the ADA. Program staff work with representatives of other Federal agencies that have ADA responsibilities to ensure that technical assistance activities for entities covered by and persons with disabilities having rights under Titles II and III of the ADA. These activities include technical assistance activities include technical assistance provided through at the parties operating under grants and contracts administered by the Program. The Program also provides technical assistance directly through a telephone information line, the development and distribution of interpretative materials, and annual updates to the statutorily required technical assistance menuals for Titles II and III.

ACCOMPLISHMENTS AND HORKLOAD: Accomplishments of the Program are presented in the following table:

Whis figure excludes an informational mailing sent to 5.9 million businesses in 1991 and 1993.

Statistics for items 1, 2 and 4 only became available in 1992 because of the effective date of Titles II and III in January, 1992. The litigation, complaint, and certification statistics for 1993 increase significantly over 1992 because of the annualization of new positions approved in 1992. In 1992, most work related to "ADA Standards Certification" developed as resource intensive responses to requests for technical assistance by state and local authorities and model code agencies. To more accurately reflect accomplishments, a new workload indicator has been added. The Program, in its role as the ADA technical assistance coordinator for eleven Federal agencies, has continued to expand both government-wide technical assistance efforts as well as its own activities. In collaboration with the Equal Employment Opportunity Commission and the National Institute on Disability and Rehabilitation Research, the Program has increased its number of technical assistance publications to ten documents that are distributed nationwide.

The implementation of Titles II and III of the ADA in January, 1992, has resulted in the addition of many new functions to the Program. In addition to establishing the capability to process individual requests from state and local governments for cartification of architectural standards for equivalency with ADA Guidelines, the Program has developed a plan to assist the major model code groups to develop guidelines

equivalent to the ATA that can be relied upon by many state and local jurisdictions. Additionally, technical assistance is being provided to state and local officials to help them modify their codes prior to requesting certification. A major effort has been undertaken to respond to the large numbers of complaints filed under Title III.

In 1992, 516 Title III complaints were received and 467 were opened for investigation. By the end of the year, several major investigations were nearing conclusion and significant settlement agreements were being negotiated. Based on trend apparent to date in 1993, projections of the number of complaints to be received have been increased. Projections for complaints investigated and closed have also been increased.

In 1994, \$500,000, four positions and workyears will be reprogrammed from the office of Redress Administration. This reprogramming will enable the program to not only continue work on litigation begun in 1993, but initiate new cases with respect to ADM's coverage of Title II (public services) and Title III (public secondations). The ADM authorizes the Attorney General to bring civil actions against entities ownered by its public accommodations in parties on practice cases, or cases of general public importance. Given the large number of entities octovered (approximately 3.9 million enterprises), and the fact that most of these entities are being subjected to disability nordiscrimination requirements for the first time, the potential for gainful larguits is immense. In addition, Title II of the ADM provides suthority for the Department to initiate lawsuits against state and local governments that have been referred from Federal agencies in those instances where voluntary resolution of complaints of discrimination by entities of State and local governments could not be achieved.

Ē Referrals will be evaluated and selected on a case-by-case basis, determined by marit for successful and gainful litigation potential. Th Program will select litigation opportunities designed to address highly significant issues, many of which will also be highly complex and hence resource intensive.

SENES:	1994 Bu	erine	1994	Entimate	Incres	Dec/Dec	19336
	Pos. MY	Ros. MY Amount	Pos. W Amount	EX CE	Ser.	X	Ros. MY Amount
that is access	44 44	\$8,822	Ş	44 \$8,	:	:	-\$143

A program decrease of \$143,000 represents the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity, reduction will be accomplished through a slight decrease in the dissemination of technical assistance materials.

Doctrease	Poe. MY Amount	-\$184
79678	Ħ	?
Perm.	Poe	?
1994 Estimate	Rosi. MY Amount	58 62 \$7,84622
4 Esti	Ħ	3
199. Pera.	Post	33
1994 Baseline	Pos. HY Amount	60 64 \$8,030
94 Bas	Ħ	3
Perm.	BOS	9
1993 Appropriation Anticipated erm.	Ros. MY Amount	76 80 \$10,647
Appro	¥	80
1993 Perm.	100	2,6
		Management and administration

This budget activity includes resources for Executive Direction and Control (which includes the Office of the Assistant Attorney General and the Administrative Management Section) and Redress Administration.

Executive Direction and Control

LONG-PANE CARL: To efficiently and effectively coordinate the enforcement of federal civil rights laws; provide information to the public (subject to the provisions of the Presion of Information Act and the Privacy Act); and, provide administrative support for federal civil rights enforcement activities

JOR OUTSCITVES

To coordinate the Division's enforcement activities with other components of the Dapartment and other enforcement agencies.

3 To participate in Departmental, Executive Branch and government-wide efforts to clarify or strengthen jurisdiction and authority, and establish or improve policies governing litigation, administrative enforcement and program operation. 3 To evaluate policies, procedures and systems; anticipate the workload, as well as resource and time expenditures of the programs; and, develop and implement plans for changes which would render them more efficient, effective and responsive to constituent concerns.

To establish and maintain relationships with public interest groups, members of Congress and other constituent representatives.

To arswer Freedom of Information Act (FOIA) requests within 10 days and Privacy Act (FA) requests within 20 days; minimize the number of appeals from denials of records requests by advering to a standard of maximum disclosure permissible under controlling law; and, assist the Civil Division and U.S. Attorneys in defending the Department in litigation arising from denials of FOIA request.

To evaluate and incorporate new computing technology and assess how it can be incorporated to automate and facilitate the activities of the Civil Rights Division. This new technology includes office automation, case management and imaging.

To review, analyze and respond to letters, memoranda and other communications directed to the Division by the White House, Congress, federal Agencies, private corporations and citizens; and issue Criminal Non-Prosecution Notices to government and private sector organizations, and to

To provide general administrative support necessary to enable Division personnel to enforce faderal civil rights laws, including: budget formulation and execution; financial and accounting services; personnel services and training; procurement; mail distribution; space management; and, supply, equipment and document reproduction services.

To develop a technological strategy to deliver data from the Cersus Burvau and other federal agencies to the end user in an ensy-to-use format. The use of the Geographic Information System is being reviewed for this purpose.

To continue enhancement of Ilitigation Support Services to provide technical, analytical and administrative resources in an efficient and effective manner to the various Division components.

BASE FROGRAM DESCRIPTION: This budget activity includes resources for executive and administrative direction and control of the Civil Rights Division as well as its responsibilities as a result of the Civil Liberties Act of 1988.

The Assistant Attorney General personally approves case fillings, interventions and amicus participations; major investigative undertakings, enforcement motions and consent decrees; novel legal positions; and, closings of investigations of death cases. He also represents the Attorney General on interagency councils concerned with civil rights issues. In that convection, he serves as chair of the Interagency councils concerned with civil rights issues. In that convection, he serves as chair of the Interagency councils and as a member of the Architectural and Transportation Barriers Compliance Board, both of which were established by the Methodilitation Act of 1973, as member of the Architectural and Transportation Barriers involving investigative and Iltigative strategy; responsibility over matters involving interest groups; preclearance of changes in localities with other components of the Department, other agencies, the Congress and some public interest groups; preclearance of changes in localities with other components of the Polytha unit is divided among the Departy Assistant Attorneys General for action or oversight. Matters involving finance, personnel, and support services are assigned to the Executive Officer who conducts than through a centralized operation which is more efficient and cost effective yet provides greater management control.

The Division is committed to the effective use of Automated Data Processing (ADF) to develop and implement systems to increase productivity. Management and other key personnel have completed specially designed computer courses and are playing integral roles in developing littigation systems within their programs. Through the use of a centralized shared information system—AMICUS—and decentralized personal computers for task specific requirements or where AMICUS is not yet available, programs are able to address their substantive and administrative requirements promptly and appropriately, saving time and money. Increased litigation support is obligatory to compete with private coursel using the most efficient technology available.

ACCONTINISMENTS AND HORKLOAD: Accomplishments relating to the Division's office automation initiative, involves processed for payment, and correspondence responded to are presented below:

			3	COAD WAS	
	1991	1992	1993	1994	
Litigation Support Projects.	125	200	200	225	
Littigation Support Reports.	1,600	1,600	1,725	1,930	
AMICUS/EASIE Microcomputer Users	474	474	009	009	
Requests for Assistance.	1,200	1,200	1,350	1,450	
Involces Processed for Payment.	4,107	4,514	4,650	4,800	
Mall Inquiry Responses	37,294	59,458	000'09	65,000	

The Program is experiencing its most productive year in delivering cost-efficient ADP systems to Division users and managers. Major accomplishments include: Continued enhancement of the Geographic Information System (GIS) to aid in the processing of redistricting submissions from the 17 states covered by the Voting Rights Act. The GIS was designed to provide automated support for very time consuming tasks which were formerly processed manually. The GIS is a tool which provides the Voting Section with much more power, flexibility and ease of use in their enforcement of the Voting Rights Act.

system for use by the Office of Redress Administration in support of the Office of Redress Administration. The system is used in verification of eligibility for payment, tracking correspondence, generating form letters and making payments to eligible individuals. Continued support and refinement of a Japaness-American Redress Verification Information System (JARVIS), a major database management

Installation, training, maintenance and user support of the AMICUS office automation system. This system is comprised of many minicomputers networked together providing electronic mail, word processing, spreadsheet and graphics capubilities and services to more than 600 users. This system also provides access to external research and legal databases such as LEXES and NEXES.

Continued support and refinement of the Submission Tracking and Processing System (STAPS), a major database management system used by the Voting Program to carry out its substantial information processing and information storage responsibilities in the review of voting charges in a more efficient, orderly and effective manner.

Continued refinement and enhancement of the Case Management System, another major database management system which is used by all the litigating programs in the Division in support of case tracking activities. Modification of the Case Management System to include case tracking and processing and reporting capabilities for the Public Access and Coordination and Review programs. This system will assist these program to enforce the prohibition against discrimination based on disabilities in both state and local government and public accommodations.

Dalivery of many smaller systems required by the various programs to provide management reports, text search and retrieval, document control, inventory control, case tracking, data conversion, etc. The FOI/PA Branch has reduced the total pending FOI/PA requests from 289 pending requests on october 1, 1990 to the current pending level of 152. The FOI/PA Branch has successfully maintained this lower pending level in the context of a constant average of 550 incoming requests per year. In the short turn, the Branch is continuing to make the voluminous, more resource intense requests a higher priority than dropping the pending numbers. The Branch will resume the focus on reducing the pending number after many of the voluminous requests have been processed. The Branch projections, however, are to drop the pending number of requests by another 10 - 15 percent by the end of September 1993.

Redress Administration

IONC-RANGE COAL: To provide payment to all eligible individuals who were evacuated, relocated or intermed in the United States during World War II, as set forth in the Civil Liberties Act of 1988.

MAJOR OBJECTIVES

To identify and locate eligible individuals as defined by the Act without requiring application.

To implement and refine the process for varification of eligibility.

To notify all applicable individuals of eligibility

To initiate payment to eligibles from the Civil Liberties Rublic Education Fund.

BASE FROGRAM DESCRIPTION: The civil Liberties Act of 1988 (P.L. 100-181) was signed by President Reagan on August 10, 1988. Under the Act, the Attorney General was assigned responsibility for Section 105, which provided that payments of \$20,000 each be made to eligible individuals of Japanese arcestry who were evacuated, relocated, or intermed by the United States Government during World War II. To carry out these responsibilities, the Office of Redress Administration (QRA) was created within the Civil Rights Division.

ACCOMPLISHENTS

As evidence of CRA's commitment to pay eligible individuals as quickly as possible, nearly 90 percent of the amount appropriated for 1991 was disbursed within the first 45 days of the fiscal year. The total amount disbursed reached nearly 98 percent within the fist six months. Payments during the first year were made to eligible individuals (or their heirs) born before July 1, 1920.

In 1992, ower 91 percent of the \$500 million available was disbursed to eligible individuals born before June 1, 1928 within the first five days of the fiscal year. The total amount disbursed reached mearly 100 percent by mid-year. ORA has received and processed 24,994 cases for payment in 1992 to eligible individuals born before July 1, 1928.

almost 99 percent of the \$500 million available was disbursed to eligible individuals within the first six days of the fiscal year, representing 24,997 cases. In 1993,

ORA's success with this unique and unprecedented program has been due, in large part, to an aggressive outreach program in the Japanese American community. ORA continues to process about 50 calls per week on its helpline, and receives nearly 150 pieces of correspondence per month, in which individuals inquire about their eligibility for redress.

In 1991, ORA began a meriem of workshops within the Japanese American community which allow individuals, in many cases, to receive on-mite verification of their eligibility. In 1991, approximately 50 workshops were held; in 1992, 30 workshops were held; and, thus far in 1993, two workshops have been held,

In 1994, \$2,985,000, 16 positions and workyears will be reprogrammed from the Office of Redress Achinistration to four Division programs (Civil Rights Prosecution, Employment Litigation, Housing and Civil Enforcement, and Public Access).

EDVDIN KLINTO	1994 Baseline	Baseli	1994	Estin	ate	Incre	90/95¢	Z789.56
	Ros. MY Amount	¥	100	ጟ	POS. HY Amount Ros. HY Amount	B 8	¥	Amount
Management and administration	8	5	8	3	\$7,846	۲	7	-\$184

A program decrease of two positions, two workyears and \$131,000 is required to meet personnel levels established by the Administration. A program decrease of \$53,000 represents the Program's portion of the Division's general administrative reduction required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. This reduction will not affect the ability of the Program to accomplish its mission.

G-32

Civil Rights Division salaries and expenses, usused Legal Hullyllies Financial Holysis - Program Changes (Dollars in Rhousands)

		Federal Appellate	Coord I	Coordination and Review	- Marag	Maragement and Administration	<u>.</u>	fotal
		. •	7 L	Versanent Cut	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	Permanent Cut	Fering I	Personent cut
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6-89	: :	: :	, : =	. (35)	€ €	(55)	9	(5.5)
65-8-30	=	(1,33)	:	:	:	:	3 -	(33)
65-b	=	(23)	:	:	:	:	<u>=</u>	(47)
65-5.	=	(47)	:	:	:	:	<u> </u>	(42)
***************************************	: - -	:	ê 	(2)	:	:	ê 	Ş
Total positions and annual rate	(3)	(84)	1 (3)	(144)	(3)	(95)	(8)	(310)
Lapse (-)	:	:	:	:	:	:	:	:
Adjustments (+)	-	:	:	:	:	:	-	:
Other personnel compensation	: -	(16)	:	9	:	3	:	(2)
Administratively determined salaries	:	-	:		:			
fotal workyears and personnel compensation	ري ري	(166)	(3)	(641)	(9)	(98)	ŝ	(337)
Personnel benefits	:	(96)	:	74)	:	- (64)	:	(10,0)
mavel and transporation of persons	:	:	:	:	:	:	:	:
65H Pent	: -	:	:	:	:	:	:	:
Uther rent, community took a utilities.	:	:	:	:	:	:	:	:
Uther services	: : 	: :	: :	: :	: :	: :	: :	: :
Supplies and materials	:	:	:	:	:	:	:	:
Equipment	:	:	:	:	:	:	:	:
Total progress workyears & obligations	3	á	ć	37.5	5		(2)	7

Civil Aights Division Salaries and expenses, General Legal Retivities Financial Malysis - Progras Changes (Dollars in theusands)

	i Federal i Appellate		Civil Rights! Presecution !			Voting	l Enployment I Litigation		Caerdination Civil and Review Enforceasts		Housing and I Civil Enforcesent I	Educational Opportunities		Fublic	Hanes	Managerent and Adelnistration		16451
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Administratively determined salaries.		:	-		-			_		:	-		-		:	:	:	:
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Total workyears and	_	_	-		_		_	_	_		-		_		_		_	
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Travel and transporation of persons	:	:	- :	:	: -	:	:	:	:	፧	- :	:	:	:	:	:	<u>:</u>	:
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changes requested, 1994	· · ·	:	 	(12)	:	3	::3	: :	3	:	<u>8</u>	.:	:	35	:	3	. <u>:</u>	(38)
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Civil Rights Division

Salaries and expenses, General Legal Activities

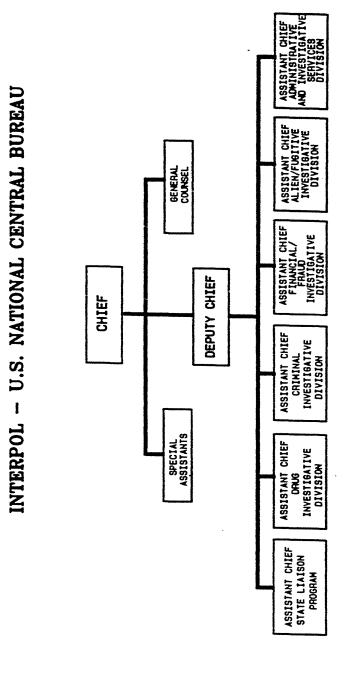
Priority Ranking

Fiscal Year 1994

Base Program	
Program.	Ranking
Civil Rights Prosxcution	-
Housing and Civil Enforcement	7
Voting	0
Public Access	4
Employment Litigation	S
Coordination and Review	v
Special Litigation	
Federal Appellate Activity	60
Educational Opportunities	6
Management and Administration	10

Salaries and expenses
Salaries and expenses
Detail of Persanent Fositions by Category
Fiscal Years 1994

	1661 1 2661 1	1992		1993		1994		
	104	10481	<u>'</u>	Total			10401	Total
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aceuros social s	4	ď	203	er!	· ·	7	62.5	**
Paralesa Specialists (959)	74		73		· •		7.	• ;
Other Legal and Kindred (988-998)	2	: :		: :	•	• ;		: :
Social Sciences, Economics and		:		:	:		. –	
Kindred (186-199)	23 -	:	23	:	:		23	:
General Admin. Clerical and Office	-	_	_	_	-	-	-	
Services (300-399)	175 1	_	173	_	- 16	9-	121	-
Accounting and Budget (508-589)	-	:	-	:	:	:	-	:
Information and Arts Group (1868-1899).	-	:	-	:	:	:	_	:
Mathematics and Statistics	_		-	_	_	-	-	
Group (1544-1599)	- -	:	·V	:	:	:	~ ~	:
General Investigating (1841-1818)	- ·	:	-	:	:	:	-	:
Total		9	516	9		60-	568	9
Washington	1 521	9	516	9	-	- 8-	- 83	4



Approved: WINLIAM P. BARR Date: 12/9/9/

INTERPOL — U.S. National Central Byreau Saluties and experses, General Legal Advities Crossya's of 1993 Changes (Dollars in thousands)

Appropriation Anticipated Pos. WY AIM.	76 76 \$6,164
Adjustment in Permanent Postions	(1) (1)
Reprogrammings Pos. WY Ami.	o \$ o
Congressional Approp. Actions on 1993 Request Pos. WY Ami.	(664)
1993 President's Budget Request Pos. WY Am.	79 79 \$6,217
ActivityProgram	Central Bureau

Congressional Appropriation Actions: Congress decreased our request by \$3,000 for Financial Management information Services (FMIS), and applied a general reduction from the base program level of the General Legal Activities appropriation. The Department was permitted to apply these reductions as necessary to maintain its highest priority programs.

Adjustment in Permanent Positions; As part of the Clinton Administration's overall plan to reduce the size of the Federal Government, INTERPOL will reduce staffing by one position and workyear.

Selvine and expenses Ceneral Legal Activities
Selvine and expenses Ceneral Legal Activities
Summery of Requirements
(Oollans in thousands)

																P 8	¥	Perm. Pos. WY Amount
1993 as enacted			***************************************	1	1				4							2	2	3 2 2
1993 pernanent poetion and workyeer reductions.	reduction.					***************************************			:						***************************************	3	3	3
1993 appropriation anticipated		-	***************************************									.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			***************************************	2	2	
Transfers to and from other accounts:																		
Working Capital Fund	***************************************		***************************************							***************************************			**********			:	:	3
Mandatory Increases	*** ***********************************									*****		***************************************			************	į	:	97
December of the second										•		1				3 5	3 2	317
Savings to achieve deficit reduction largets.	oto.															33	33	9. 1
	1982	<u>5</u>	1992 as Enacted	ž	1992 Actual	ž	<u>\$</u> ₹	Appro	1993 Appropriation Anticipated	\$	1994 Baseline	<u>\$</u>	\$	ğ	1994 Eedmete	P P	Q.	Increase/Decrease
Eedmales by budget activity;	Per Poe	¥	WY Amount	Perm Pos	¥	Perm Pos, WY Amount	Porm Pos.	¥	WY Anount	Porm	¥	WY Amount	Perm Pos. WY	XX	WY Amount	Perm Poe	XX.	WY Amount
1. INTERPOL - USNCB	92	2	79 \$5,962	79	z	64 \$5,989	82	92	78 \$6,164	\$	2	65 \$6.477	2	2	50,406	ε	ε	(1) (1) (871)
Total 79	62		79 5,962	62	2	64 5.969	92		78 6,184	8		65 6.477	2		64 6,406	Ξ	ε	ε

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INTERPOL-U.S. Mational Central Bursau Salaries and expenses: General Indea Activities Justification of Program and Performance (Dollers in thousands)

Activity

		12013	1993 Approp.	787	2	aline	Ret	laste	Incre	7788	MOKEARA	
	ā	ğ		a	뎍	POR. MX AMOUNT	뵥	POR MY AMOUNT	100	Ħ	Pos. WX Amount	
INTERPOL-USHCB	78	78		80	9	\$6,477	3	\$6,406	3	3	(\$71)	

LONG-RANGE GOAL:

To assist U.S. law enforcement efforts worldwide by providing timely, rapid coordination and delivery of investigative assistance for and to U.S. State, local, and Pederal agencies from and to foreign member police agencies and to enlist foreign assistance in the investigation and prosecution of multinational oriminal activity.

MAJOR OBJECTIVES:

To provide timely responses to requests for information from domestic and foreign law enforcement agencies in accordance with the INTERPOL constitution and Department of Justice regulations, and to coordinate investigations on their behalf.

To use the USMCB's network of State limison offices and Federal agencies to improve delivery of police information to Federal, State, local and foreign jurisdictions.

To represent and promote the interests of the United States in the initiatives undertaken by the International Criminal Police Organization.

BASE PROGRAM DESCRIPTION:

Criminal Police Organization (INTERPOL). Created in 1923 to promote mutual assistance among the European community, the organization has grown from less than ten members to a world-wide consortium The INTERPOL-U.S. National Central Bureau is the United States' representative to the International of 169 member countries. A General Secretariat, currently headquartered in Lyons, France, serves as INTERPOL's administrator. Its funding comes from dues paid by each member on a scale established by the organization. Each member country maintains a National Central Bureau (NCB) to act as its INTERPOL liaison. Each NCB operates within the guidelines of its own national laws and the INTERPOL Constitution.

A General Assembly, comprised of delegates from each member country, is INTERPOL's governing authority and convenes annually to formulate policy and initiatives to address the escalating problem of international orime. More frequent and detailed oversight is provided by a 13 member Executive Committee elected by the General Assembly.

One of the primary responsibilities of the INTERPOL-USNCB is that of maintaining telecommunications channels with a host of domestic law enforcement agencies, the NCBs of the other 169 INTERPOL member countries, and the INTERPOL General Secretariat. Within the United States, communications are maintained with domestic law enforcement agencies through the National Law Enforcement.

Telecommunications Systems (NLETS), and with INTERPOL member countries through a direct link to the INTERPOL telecommunications network centralized at INTERPOL Headquarters. A state-of-the-art X.400 telecommunications system has been implemented within INTERPOL Headquarters and several regional developing countries. The INTERPOL-USNCB also employs photofacsimile equipment for international transmission of photographs, fingerprint records, and documents. These capabilities are essential prevention of release or flight of international fugitives.

As a law enforcement conduit, the INTERPOL-USNCB receives requests for information covering a broad range of criminal offeness including murder, robbery, large-scale narcotics violations, financial fraud, counterfeit investigations, and the location and apprehension of international fugitives, often leading to extradition. The use of this rapid, inexpensive channel for communications provides an economic backup to the efforts of our law enforcement attachess abroad by collecting

adminis: "ive and nonsensitive investigative information. It also provides an interface with the many member nations where there is no U.S. law enforcement presence. Requests for information also relate to criminal history backgrounds, license checks and humanitarian efforts. Foreign and domestic police organisations also use INTERFOL-USHCB resources to trace veapons and locate

A major program of the USNCB is the U.S./Canadian Interface which provides direct on-line access to Canadian wanted person, stolen vehicle, vehicle registration, drivers license and criminal history files. During FY 1992, U.S. law enforcement officers made approximately 778,856 queries using this interface to access the Canadian wanted person and stolen vehicle files resulting in over 8,000 whits. This information is extremely valuable not only from a standpoint of oriminal investigations but also for officer safety, since possible wanted person information is provided when an officer requests a license check. Investigative functions are maintained through the collaborative efforts of 16 participating Federal law enforcement agencies that assign agents to the INTERPOL-USNCB at no cost to the USNCB. This multi-agency participation in the INTERPOL-USNCB program fosters interagency cooperation in addressing law enforcement matters and provides a means of avoiding duplication of programs and initiatives.

ACCOMPISSIONERS AND NORMOND: Accomplishments of INTERPOL-USHCB's programs are presented in the following tables:

1994 Katimate	60,234
Change	1,469
1993 Katimate	58,765
1992 Actual	57,331 67,500
1991 Actual	58,719
Towns (may make)	a. Actual b. Planned
	:

Explanation: The recent large increase in IMTERPOL's membership to 169 countries will increase vorkload especially among the new members from the old Eastern Bloc who have no other means of communicating criminal request/information. Further, the USNCB anticipates that with tightened budgets, U.S. agencies will increase their use of interpol's inexpensive yet efficient network.

1991 1992 1993 Actual Actual Estimate Change 2. Canadian Requests 400,000 633,900 649,748 22,741 b. U.S. Requests to 500,000 778,856 798,327 27.941	1994	Ketimete	672,489	826,268
1991 1992 Actual Actual 400,000 633,900 500,000 778,856		Change	22,741	27.941
1991 Actual 400,000 500,000	1993	Ketimete	649,748	798,327
_	1992	Actual	633,900	778,856
2. Canadian Interface: a. Canadian Requests b. U.S. Requests to Canada	1881	Actual	400,000	200,000
••			2. Canadian Interface: a. Canadian Requests	b. U.S. Requests to Canada

Explanation: Growth in 1991 and continuing through 1994 is attributed to the implementation of a system for the automated access to criminal history records.

1994 1 Katimate	9,425	Explanation: The 1992 actual figure has increased from what was included in earlier submissions as a result of our effort to take a retrospective look at all open cases and close out any that did not warrant further action. Further, master files have been created to consolidate minor inquiries of a like nature. The increased closings from 1993 to 1994 reflects the anticipated increased workload and continued efforts to reduce surplus inventory.
Change	230	a include cases ar d to cons the antic
1993 Katimata	9, 195	from what was k at all open m been created 994 reflects
1992 Actual	20,599 12,463 11,000 15,000	increased ctive loo files hav 1993 to 1
1991 Actual	20,599	The 1992 actual figure has increased reffort to take a retrospective loor raction. Further, master files have increased closings from 1993 to 1 afforts to reduce surplus inventory.
	a. Actual b. Planned	tion: The 1992 for our of our action turner action turner action turner actions actions afforts
ć	, T	Explanation: Tareault of our warrant further like nature. The and continued e

			1991 Actual	1992 Actual	1993 Katimata	Change	1994 Katimate	
;	ė	case openings: a. Actual b. Planned	7,238	7,782	8, 153	129		
	;		1991 Actual	1992 Actual	1993 Katimata	Change	1994 Katimate	
Ġ		u.s. ked notices tesued: a. Actual b. Planned	120	130	0	101		

Explanation: The USNCB is making a concerted effort to increase the utilisation of the INTERPOL Manted Notice Program by U.S. police agencies, particularly as they involve U.S. fugitives.

PROGRAM CHARGES.		4 3	1994 Reseline Perm. Wy Amount		# \$	1994 Estimate Porm.			Increses/Degreese Pors.	
INTERPOL-USHCB	3	1 :	65 65,477	3	1 =	907'98 99	3	3	(1) (1) (\$71)	

Program decreases totaling one position and workyear and \$71,000 are requested. Of this reduction, one position and workyear and \$45,000 is requested to meet personnel levels established by the Administration. The remaining reduction of \$26,000 is to reduce administrative expenses to assist in controlling the Federal deficit and improve the Federal Government's productivity.

NITERFOL-U.S.NATIONAL CENTRAL BUREAU Selette and expenses General Legal Activities Francial Anahola - Program Changes (Dolers in thousands)

	Permanent out in Poe & FTE Poe. A	out E Amount	Admini Sev.	Administrative Sevings be. Amount	æ	Total Amount
Grades GS - 10	ε	(8)	 0	0	. ε	(31)
Total positions and annual rate	(1)	(3)	 0	0	ε	(36)
Total workyears and personnel.				***************************************		
Percental Benefits		<u> </u>				5
GSA rent.						
miscellaneous charges				· · · · · · · · · · · · · · · · · · ·		
Supplies		•		33		33
Equipment. Grants, subs. & Contributions.				E 00		E 00
				6 8		5
Total program workyears and obligation, changes requested, 1994.	ε	\$	 •	6	ε	3

Interpol - U.S. Nettonel Central Bursav Selectes and expenses General Less Activities Detail of Permanent Positions by Celeboory

The state of the s					
		1963		=	146
			Sevings to	:	
Calabory	1992 Authorized	Authorized	achieve deficit reduction	Program Decresse	100
THE PARTY OF THE P					
General Administration (900 - 399)	72	72	(E)	E	3
Accounting and Budget (500 - 599)	~	~	•	•	~
Paralegal Spoolalist (950)	-	•	•	•	•
Information and Arts (1000 - 1099)	-	•	•	•	•
Other Miscellaneous	0	0	0	0	0
19761		2	(13)	Ξ	3
Weshington	2	2	(61)	E	3
U.S. Fleid 1/	0	•	•	•	•
Foreign Field	0	•	•	0	•
	70	-		111	3

Legal Activities Office Automation Salaties and expenses, General Legal Activities Crosswalk of 1893 Chances (Dollars in thousands)

1993	Appropriation	Anticipated	627,184
		Reprogrammings	.+1,500
Congressional Appropriation	Actions on	1993 Request.	-\$14,748
	1993 President's	Budget Request	\$43,432
		Legal Activities	Office Automation

Conatassional <u>Appropriation Actions:</u> Congress reduced the requested amount by \$14,748,000. These funds were to be used to expand EAGLE into other litigating organizations and to upgrade current AMICUS and Antitrust systems to PC-based networks, in preparation for JCOM.

Reprogrammings: Congress approved a permanent reprogramming of 41,500,000 from LAOA to the Tax Division for the purpose of hiring Honor Law Graduates.

Lead Activities Office Automation Salaties and expenses, General Lead Activities Summer of Decelements

hora sa Osciasa	1994 Estimete	1994 Baseline	1993 Appropriation Anticipated	Estimates by budget activity	tee by budget act
		1884 bisetin			eugene
A10 80		Decreses			99000
181				Mandatory Increases	detony increases .
101'/74			993 as emected		as enected
Amount 227 184					tments to page:

Legal Activities Office Automation Salaties and expenses. General Legal Activities Justification of Program and Performance Activity Resource Summan

	DGGARAÜDGGGARA	.4 671
	1994 Estimate	127,346
(Dollars in Thousands)	1894 Baseline	\$28,016
	1993 Appropriation Anticipated	. 427,184
	Activity: Legal Activities Office Automation	Office Automation #27,184

LONG-BANGE GOAL: The mission of the Legal Activities Office Automation (LAOA) fund is to improve the productivity of the Department's legal activities programs through modernization and enhancement of office automation systems.

MAJOR OBJECTIVES:

Install systems which meet the central requirements of the litigating organizations and the information needs of the Department's management officials, and allow reliable interfaces with Department-wide data processing systems.

Implement cost-effective methods for electronic exchange of documents and messages among Departmental organizations.

hetitutionalize the plenning and acquisition processes for office automation resources to:

· Build on the installed base of office automation systems in the litigating organizations;

Build cooperative processing systems wherever possible;

· Ensure installation of compatible hardware and software in all future acquisitions.

BASE PROGRAM DESCRIPTION: In 1986, the Deputy Attornery General directed that the Department develop a comprehensive policy and strategy for the design and acquisition of automated systems for the six legal divisions, the offices of the U.S. Attorneys and offices of senior departmental management. The objective was to achieve management efficiencies and productivity gains in office automation systems and to move the Department toward a more coordinated and unified approach to acquiring and managing this technology.

During 1888, the Department developed project plans for all the kitigating components and senior management offices. Based on these plans, the Department began immediately to implement coordinated office automation systems throughout the kitigating organizations. In the short term, the strategy depended on three separate systems — the thennew AAMCUS and EAGLE office automation systems, and extension of the Antitrust Division's existing office system.

AMBICIS: Beginning in 1982, the Civil Division developed the Automated Management Information Civil Users System (AMBICIS) system to provide attention; chrical staff and managers with access to an array of services supporting the operations of a medium law office. In addition to word processing, electronic mail and other office aservices, AMBICIS has provided attorneys, persigned, secretaries, and managers with endian access to large because at JUNS, Lestichherts, Westlew and other special data bases. The AMBICIS system was deprived thrughout the Civil, Environment and Netural Researces and Civil Rights Divisions and in the Senior Management Offices (Attentey General, Deputy Attentey General, Deput Management and Deput Management Strain Manag

<u>EASLE</u> - EAGLE (Schancal Automation for the Government Legal Environment) is the name used to describe a strategic Department of Justice centract awarded in 1969. Like AAMCUS, this contract provided integrated office automation hardware, software and auspent for Hispating erganizations. The Tax, Chiminal, and Justice Management Divisions, the Office of the Selicitor General, the Organized Crims and Drug Enfercement Test Ferces, and all effices of the U.S. Attements were automated with EAGLE. During 1993, the Senior Management Office converted from AMICUS to EAGLE.

<u>Astinus</u> - The Anthrust Division actually began its integrated office automation system in 1879, before either AMECUS or EAGLE. While this system met the needs of the Division, it was based on proprietary technology and could not be expended to secisfy the needs of other experisations. While the AMECUS and EAGLE systems were deployed, the Anthrust Division continued to maintain its separate system tirough Flocal Year 1992.

The AMICUS, EAGLE and the Antinust Division's pystems are fundamentally similar in architecture and operation. All previde employees with dealtop access to the seds recessary to increase productivity; (1) lagel word processing — the document production, aped-checking and private selectivity seals recessary for propering language metanists with multiple featurests, indiced, tables of authorities, etc.; (2) electronic and — a cost-effective electronic attenuate to indicate postal system; and eventage electronic attenuates to indicate and indicate network; (3) calculated management — tools for personal and group actualding of court detec, meeting, conferences and eventage; (4) communications and file-transfer — tools for accessed and group actualding of court detec, meetings to the personal eventage and file-transfer — tools for accessing decuments and computer files from one location to another; and (5) detabase management — tools for axiomated detain expensions and retrieval of various types of recents, including both evidenciery and administrative deta.

LCOM: In May, 1992, in nesones to discussions with the House Appropriations Committoe, the Deputy Attempy General approved a pien for a unitary procurement of the next generation of office automation systems. This effect is the final stage in the system-consolidation project begun in 1996. The news of this new procurement is the Justice Consolidated Office Network LICOM).

JCOM will be the follow-up to the AMICUS II and EAGLE ocquisition vehicles. The Deputy Attensy General chaes to proceed with a unified procurement rether than three separate procurement (AMICUS III, follow-up to EAGLE and the Androst system replecement) to minimize soquisition costs and to increase intersperability.

Under the plan approved by the Deputy Attorney General, a centraticed JCOM procurement project team, composed of a Project Manager from the Justice Management organizations and indicating enganizations, is pursuant Division's Intermeted from each of the Registring enganizations, is pursuing this unified procurement strategy. This procurement project team is supported by a "Stearing Committee" to decide policy and priority issues.

The JCON procurement will seek to take advantage of open systems architecture, heavily oriented around federal standards such as POSIX, GOSSP and 800, and will be geared toward use of "off-this-shalf" bridwards and software. The core of the procurement abstracy will be a seven-year "mester" integration contract. To position the Department to be able to take advantage of Improvements in techniques of insure broaders use produce aspertably-competed commissing personal computation, printers, cabiling and other peasible component. The commissing contracts will have aborter life cycles (2-3 years). JCON will adhere standards, including GOSSP, POSIX, 801, etc., and will use

offerings of FTS-2000 for long-hauf communication among networks.

The JCON acquisition strategy of a unified procurement with spin-off commodity buys will result in the lowest possible prices to the Department and will standardise integered office automation by providing a uniform base of hardware across the Department. This standardisation will promote compatibility and inter-operability among the Higating divisions, JMD and serion management offices. It also permits an easy method for the rapid exchange and sharing of information of common interest; reduces and/or eliminates reducidency in data collection and processing; and leads to oversall increases in productivity.

JCON Me-cycle costs are projected to be between \$400 and \$800 million. These costs include the "master" integration contract and the commodity buys.

Legal Activities Office Automation funding in 1994 will be used to continus lesse payments on all EAGLE systems installed in 1990 through 1993 and to pay the costs associated with the JCON procurement.

ACCOMMISSIBERIES: The joint planning initiative by the itigating organizations and the investment of funds under the Legal Activities Office Automation Fund has yielded impressive dividends. The AMMCUS system meets the current needs of more than 2,000 users in the Civil Division, the Environment and Natural Presources Division, the Civil Rights Division, the serior management offices, and the General Counsel's Office of the immigration and Naturalization Service. At the end of 1992, more than 12,000 EAGLE workstations were operational throughout the United States.

The Department chose a 36-month lease-to-ownership acquisition mathod for EAGLE to allow a faster installation achedule and satisfy demand for advanced office automation. With most sites completed in 1992 or sarlier, there will be a slight decrease in the funding required in 1994 to continue lease and maintenence peyments on these installed systems.

The altorment of 1993 LADA funds to support EAGLE implementation was as follows:

2,140	067,	1,227	238	127,184
United States Attorneys Tax Division	Criminal Division	EAGLE General Benefits	JCON	Total

These organizations also use their own appropriations to augment Legal Activities Office Automation funds.

In the past, the EAGLE contract has also supported other Departmental automation requiements, such as the United States Marshala Service, the Bureau of Phisons and the immigration and Naturalization Service. However, as a result of Congressional direction for the 1991 LADA appropriation, the EAGLE contract has been limited to kitigating organizations.

¥

In 1990, a communications gateway was installed that allows EAGLE and AMMCUS users to communicate electronically and to transmit documents instantaneously. This was a very important step in connecting the two major office automates pystems. During 1994, the Antienust Division will be added to this gateway. In addition, a common resource local and introduce and installed to provide interconnection between departmental organizations and offer high speed connections to legal research services and the Justice Data Centers, thereby reducing the number of expensive communications checked organizations be recessery.

These accomplishments lay the foundation to reach the goal of uniformlity envisioned in 1986. The funding request presented herein describes a plan that will ensure that the Department can obtain the benefits of integrated legal office automation and remain effective in carrying out its Higasting responsibilities.

ENCORAM CHAMBES: A decreee of 8671,000 is requested in 1994 for the Legal Activities Office Autometion Fund to reduce administrative expenses to assist in controlling the Federal deficit, and improve the Federal Government's administrative predictivity. The reductions will be accomplished by pesspening system enhancements in EAGLE and AMICUS systems until the JCON procurement is complete. Notwithstanding these savings, the JCON procurement will go ferward.

- 1

Legal Activities Office Automation
Salaties and Exponess. General Legal Activities
Financial Analysis - Program Changes
Indian in physicals

ITEM	1994 Baseline	Administrative Savings	1994 President's Budget
Communications, utilities and miscellaneous charges	136	0	135
Other services	1,793	0	1,793
Equipment	26,088	-671	26,417
Total obligations requested, 1994	\$28,016	. 6671	127,345

Special Counsel for Immigration Related Unfair Employment Practices
Salaries and expenses, General lagal Activities
Summary of Requirements
(Dollars in Phoneside)

djustments to base:	•4	Perm. Mork- Pos. Xears	Work- Xears Amount
1993 as enacted	Ē		36 84,242
ransferred to/from other accounts			:
distinguits in permanent positions	***************************************	F	1
3 appropriation anticipated		9	4,242
ransier riom Working Capital fund		:	
Mandatory increases		:	
Decresses	1	1	7
1994 Dase	£	9	4, 452
Savings to achieve deficit reduction targets		1	٩
4 baseline	£	96	4, 452

EGARA	Porm. Pos. MX Amount	Ş	Ş
Jeg/	4	. •	
Zeez	Ĕ,	7	'17
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ante.	- anno	14, 389	
EAL	×	35	72
189	Perm. Perm. Perm. Ros. bx Amount.	35	
907	Count	1, 452	
BASE	4		75
1881		36 3	in
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1993 Appropriation Anticipated	Amount	\$4,20	
19 Propr	٤,	36	75
4	Per	36	
٦	ount	, 064	
Actu	4	**	
1992	E.	35	36
g g	2 3	ĕ	
rlati	Perm. Pos. MY Amount Pos. MY Amount	4,066	
dorde	3	9	45
4 Z	D. I	36	16.3
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	Estimates by budget activity	13. Special Counsel for Immigration-Related Unitarit Employment Practices. 36 36 \$4,066 36 36 34,064 36 \$4,242 36 36 \$4,452 35 35 \$4,389 -1 -1 \$ -63	Other Workyears Overtime Total compensable workyears
	at ac	sel fo 1-Rela loymen	able
	pnq 7	Count	Other Workyears Overtime Total compensable
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Section of the second

Special Counsel for Immigration Related Unfair Employment Practices
Base Compatison
(Dollars in thousands)

	1993 Appropriation	1993 opriation cloated	1	PA BAS		A 2661	antlas.	Incre	d/ese	RCKBASA	
	Pos. MX	Amount	Pos.	7	POS. MX Amount	Fos. K	Y Amount	r Pos. MY Amount Pos. MY Amount.	ğ	Amount	
icial Counsel for Immigration-Related 36 34.242 36 34.452 36 36.4452 8	36 36	\$4.242	36	. 9	4.452	36	\$4.45	:	;	40	

Spacial Counsal for Immigration Related Unfair Employment Practices Spacial Salaties and Expenses Justification of Program and Performance (Dollars in thousands)

Amount Increase/Decrease Perm. Pos. MX 7 7 1994 Entimate Perm. Pos. MY Amount 35 \$4,389 35 1994 Baseline Perm. Pos. MY Amount 36 36 \$4,452 Perm. Pos. HY Amount Appropriation Anticipated Special Counsel for Immigration-Related Unfair Employment Practices.... 36 36 \$4,242

LONG-RANGE GOAL: To reduce and deter national origin and citizenship status discrimination.

MAJOR OBJECTIVES: To remedy discrimination based on national origin or citizenship status under the Immigration Reform and Control Act of 1986.

To investigate charges of discrimination and to initiate and file complaints with administrative law judges in appropriate cases.

To undertake public education initiatives intended to inform employers, victims, and public interest groups of their rights and responsibilities under Section 102.

PASE_PROGRAM DESCRIPTION: Section 102 of the immigration Reform and Control Reform Act of 1986 (IRCA) makes it an "unfair immigration-related practice" to discriminate in hitring, recruiting, discharging, or referring an individual for a fee, because of such individual's national origin, or in the case of a protected individual, because of that individual's citizenship attus. The Act exempts from these prohibitions:
(a) employees of three or fewer employees, (b) national origin claims which are enforceable under Tile VII of the 1964 Civil Rights Act, 42 U.S.C. 2000e, and (c) employment actions based on citizenship status where the employer must discriminate based on citizenship in order to comply with requirements imposed by statutes, regulations, executive orders, government contracts, or where the Attoring General determines citizenship status is essential for an employer to do business with a federal, state or local government agency or department. In order to behave the prohibitions in the Act, the position of "Special Counsel for Immigration-Related Unfair Employment Practices" was created in the Department.

The Special Counsel receives and investigates nationwide charges of employment discrimination filed by private individuals or those filling on the complex versions and Naturalization Service Officers, and determines whether the charges warrant filling an administrative complaint. The Special Counsel may also, on his/Ner own initiative, conduct independent investigations of Section 102 violations, including possible pattern and practice violations. When the Special Counsel material acts acts and institute and complaint with an administrative law judge seeking a cease and desist order and, where appropriate, back pay or civil monetary pensities or both. Once the administrative law judge finds a violation and orders relief, the Special Counsel may file an action in federal court to enforce the order. Where the Special Counsel does not file an administrative an administrative and administrative law judge.

the nation's The program coordinates with officials of the Equal Employment Opportunity Commission, the Immigration and Naturalization Service, Department of Labor, other federal agencies, and community-based organizations to ensure uniform and effective enforcement of the namigration law. The program provides legislative counsel to other programs within the Department and to other federal agencies. The program promotes awareness of the antidiscrimination provisions of the Act through public outreach efforts, including media advertising, training, publications, and participation in conferences and cooperative activities involving public and private groups. The 1990 immigration act extended to the Special Counsel specific statutory authority for the development of a comprehensive nationalde public education campaign.

ACCARLISHMENTS AND MORKIDAD: The accomplishments of the Office of Special Counsel are displayed in the following table and the concluding narrative.

			Eat	mates.	
Item Charges filed with OSC	1881 909	2992 783	1993 700 700	1894 700	
Independent investigations initiated by OSC	09	19	20	45	
ALJ complaints filed	∞	13	89	6	
Formal Settlements of charges of independent investigations	22	71 35	60 15	200	

Over the past two years, the number of pattern and practice investigations increased markedly, in part the result of Immigration Act amendments. These cases are more complex and require significantly more resources to investigate and litigate. Litigative activities, as well as additional charges resulting from public education efforts, are expected to decrease in 1994 as the result of substantially reduced resources Through 1992, the program received 783 charges of discrimination (a 30 percent increase over the previous year), and initiated 79 independent investigations. During this period, the program filed 13 complaints, seven containing pattern and practice allegations, participated as amigual called and negotiated 71 formal settlements of charges and 35 settlements of independent investigations. Many other investigations were resolved through voluntary changes in personnel policies or the demonstration of legitiante justification for a U.S. citisen only policy. In 1992 the program won over \$458,000 in backpay, seven times the amount avarded in 1991. The Office collected \$80,000 in civil penalities, or aix times the receipts in 1991. The program maintelins lias was marked in 1991. The Office collected antidiation requirements under Section 102. The program has participated in numerous seminars and conters before public interest advertisation requirements under Section 102. The program has participated in numerous seminars and conters before public interest advertisaments have been aired mationwide, newspaper advertisaments placed, an extensive grant program conducted, and a task force of federal agencias under the leadership of the Special Counsel has contributed to a coordinated federal strategy for educating the public about IRCA's antidiscrimination provision.

Some of our cases have affected entire industries engendering widespread reforms. This is particularly true of the airline and defense industries. Through far-reaching settlements with the OSC, seven major airlines have abandoned citisenship status restrictive hiting practices. Similarly, defense contractors have agreed to drop company-wide citisens-only policies due to the Office of Special Coursel's intervention. As a result of these cases, tens of thousands of jobs in the defense and airlines industries are now open to all authorized workers. This program's efforts in these areas has helped to unify federal contract policy, and has resulted in major revisions of the import/export policies of the Department of Commerce and the Department of State's ITAR regulations.

addition to a memorandum of understanding with the Equal Employment Opportunity Commission, the Office of Special Counsel has invited 117

purposes of receiving charges of immigration-related unfair employment practices. So far, we have signed agreements with 28 such againsts, and have conducted training sessions for 20 state and local fair employment practices. So far, we have signed agreements with 28 such againsts, and have conducted training sessions for 20 state and local fair employment agencies. These agreements serve a dual purpose: they will enable state and local fair employment agencies. These agreements serve a dual purpose: they will enable state and local civil rights agencies that discrimination cases.

In light of evidence of extensive discriminatory noncompliance, the Office of Special Counsel has expanded its public education activities over the past three years — producing and distribution of no special production in addition, the program has distributed a training film on videotape for the development and dissemination provision, as well as other materials, and funding grants to non-profit community-based organizations for the development and distribution of the law. In addition, the program has distributed a training film on videotape for use in educating public officials and commanding and in 1992 up to \$3,000,000 a year from the law. Second for a bilingual brockure for the Chapter group of a bilingual brockure for the Chapter group of a bilingual brockure for the Chapter group of an antidiscrimination drama for the Chapter group of a bilingual brockure for the Chapter group is the are scoaled excellent results. In 1994, funding for public education grants will experience a 70 percent reduction.

A program decrease of one position, one workyear, and \$31,000 is required to meet personnel levels established by the Administration. The reduction will be achieved by the phased elimination of one staff position. A program decrease of \$32,000 is required to reduce administrative expenses to sealst in controlling the Federal deficit and improving the Pederal devarament's administrative productivity. This will be accomplished through reduced expenditures for supplies, equipment, and certain types of travel, by improving the efficiency of legal research and mail dispatch, and by reducing procurement eervices to private contractors.

Office of Special Counsel for Immigration Seleted Unfair Employment Prectices

Salaries and Expenses Zisanojal Asslysis-Progres Changes

16. Comment of the co	Paraneat Cut	Parannot Cut Administration in Pos. 6 FF Fos. Amount Pos. Amount	TOTAL MEDIAL
Oradaa GG-13	-1		1-1-
Total positions and annual rate	-1 -31	:::	13
Total workyears and personnal compensation Personnal benefits Travel and compensation of persons Transportation of things	-1 -31	: NA	-1 -31
G&A rent Communications, utilities, and other rents Frintlag Other services English and materials		999 1 1	. 1 . 1
Total Brogges Dispose register 1966	- 3	-32	3.

Special Counsel for Immigration-Related Unfair Employment Practices
Salaries and expenses, General Jegal Activities
Detail of Parsenent Positions by Category
Riscal Years 1992 - 1995

Springering and the second control of the se				1994	
CALAGORY	1992 Buthorized	1993 Authorized Transfer	Transfar	Program Deckeases	forel
Attorneys (905). Paralegal Specialists (950). Outreach Specialists Investigators General Admin. Clerical and Office Bervices (300-399).		84 AM E	::::	ਓ : : :	2444 2
fotal	36	36		-1	35
Washington. Field Offices	3¢	36	::	۲:	38

Page	-	rei	c	•	ĸ	•

Invariant of Justice Radiation Laposaure Componention Parments to the Radiation Exponente Componention Trust Purd Extinates for Fiscal Year 1994 Table of Contents

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Summary Statement	Proposed Changes in Appropriation Language	Crosswalk of 1993 Changes	lirements		Program and Performance
Summary Statement	Justification of Proposed Changes in Appropriation Language	Crossnalk of 1991 Changes	Summary of Requirements	linee Comparison	Justification of Program and Performance

Radiation Compensation Exercise Frust Pand Surmants to the Radiation Exercise Compensation Trust Pand Surmany Statement Filesal Year 1994 printment of Just ice

The Radiation Exposure Compensation Trust Fund, hereafter referred to as the Fund, was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990 (P.L. 101-426). The Purd is available only for distursament by the Attorney General. The Act, as amended by P.L. 101-510, authorizes a permanent indefinite appropriation of "such sums as may be necessary to carry out its purposes." Amounts appropriated are to remain available until fermination of the Purd in 2012, 22 years after the date of enectment. Although the Attorney General is responsible for the payment of claims, the program activities of the Department of Defense and the productssors to the Department of Phery precipitated the need for the Act. The Department of Justice is thus seeking appropriations on their behalf under functional classification 050 - Defense, as was done in 1993.

Pull-scale implementation of the program by the Civil Division of the Justice Department, to which the Attorney General has delegated the administration of the program, began in April of 1992. During the first eleven menths of full-scale operation, 2,609 claims were received, seeking payments of \$192 million. Payments totalling \$16 million were made in association with 477 of these claims and 206 claims sceking a total of approximately \$13 million were denied.

Department of Justice Redistion Exposure Compensation Envisor to the Redistion Exposure Compensation Trust Fund Justification of Proposed Charace in Approximation Language Final Year 1994

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Payments to the Radiation Exposure Compensation Trust Pund

For payments to the Radiation Exposure Compensation Trust Fund, (\$170,750,000) 4. (42 U.B.C. 2210 note) Department of Justice and Related Agencies Appropriations Act, 1993)

Delenation of changes:

Technically, the Office of Management and Budget has determined that two accounts must be established to conduct this program. In establishing a Trust Nand, the Congress recognized that it would be setting aside funds to make payments for radiation compensation, but a separate appropriation had to be established to provide the Trust Pard with a source of reverue. The justification which follows describes the activities of the Trust Pund. But, but the assounts appropriated will first be deposited in the account titled Payments to the Radiation Exposure Compensation Trust Pund.

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Payartment of Justice
Radiation Papesure Compensation
Rayments to the Radiation Exposure Compensation Trust Pund
Crosswalk of 1999 thanges
(Dollars in thousands)

1993 As Enacted	Pos. My Ant.	\$170,750
Peprogrammings	Pos. My Amt.	: :
Congressional Appropriation Actions on 1993 Pequest	POS. WY AME.	: :
1993 President's Baket Request	Pos. MY Ant.	\$170,750
	ACT LVATY/Program	Radiation Exposure Compensation Trust Pund

Department of Justice Radiation Exposure Compensation Fayments to the Radiation Exposure Compensation Trust Puri Summary of Requirements (Dollars in thousands)

Mork- years deputs	3170,756 170,756 170,756 175,256 175,256	Incremen/Decrement Perm. Sola. M. Amount	:
Mork-	: : : : :	E S	:
Perre.		Lincaryses Perra. Ros. M	:
		etimite Amount	\$75,250
		1994 Zestlante Perm. Ros. 111 Amo	:
		1994 Baseline um. 94 MY Amount	\$75,250
		254 BE	:
		Perm.	:
		1993 Appropriation Anticipated Perm. Ros. MY Amount	\$170,750
	im level	Perm. Perm. Rog.	:
Adjustments to base:	1993 As Enacted 1993 Appropriation Anticipated Nonrecurring decrease for expected claim level 1994 Baseline	Estimites by butest activity	Radiation Exposure Compensation Trust Pund

Decrease is due to a reduction in the expected level of claims approved for payment in 1994.

Pranthent of Justice.
Rediation Processe Compensation
Pranthents to the Rediation Exposure Compensation Trust Dan
Buse Comparison
(bollars in thousants)

. Angreense/Degreense Perm.	Pos. MY Amount	: :
1994 Baseline	Amount	\$75,250
24 B	Ĕ	:
Perm.	Post	:
1994 Base	Amount	\$75,250
1994	¥	:
lorm,	Post	:
1991 Appropriation Anticipated Perm.	Amount	\$170,750
Appropri	Ĕ	:
Perm.	POS	:
	Activity: Radiation Exposure	Trust And

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Department of Justice Radiation Exposure Compensation Payments to the Radiation Exposure Compensation Trust Fund Justification of Evoymen and Performance Activity Recourse Summary (Pollars in thousands)

Increase/Decrease	POR. MY AMOUNT	:
rtimate	Ros. MY Amount	\$75,250
1994 E	Pos. M	\$75,2
aline	Foe, MY Amount	
294 Bags	¥	:
2	2	:
Anticipated	Ros. MY Amount	\$170,750
reich	Ħ	:
	Re	:
	/: Radiation Exposure	Trust Purd

Activity

LING-PANE COME. To provide for payments to eligible individuals who sufferrd specified illnesses as a result of exposure to radiation as outlined by the Radiation Exposure Compensation Act of 1990.

MATOR OBJECTIVES: To provide payments to individuals identified as eligible under the provisions of the Radiation Exposure Compensation Act

INVELHCRAM DESCRIPTION: The Radiation Exposure Compensation Act of 1990 (P.L. 101-426) authorizes the appropriation of funds to establish a trust fund in the Treesury of the United States to provide payments of \$70,000 to individuals who lived download receives and represents of \$100,000 to persons employed in uranium mines who developed certain diseases. The Act was awarded by the National Leferus Authorization Act for Fiscal Year 1991 (P.L. 101-510) to include payments of \$75,000 to individuals who participated on-site in atmemberic nuclear tests and developed specified diseases.

The Act authorizes a permanent inhelimite appropriation of "such sums as may be necessary to carry out its purposes." Funds appropriated are available only for discursament by the Attorney General under section 6 of the Act and are to remain available until termination of the Rund in 2012, 22 years after the date of enactment. Although the Attorney General is responsible for the discursament from the Rund, the program activities of the Department of Defense and the predocessors to the Department of Emergy precipitated the need for the Act.

For 1994, the Justice Department seeks a permanent indefinite appropriation of \$75,250,000 for the Fund under functional classification 050 Defense. The Justice Department estimates that payments will be made in association with 1,060 meritorious claims in 1994. Funding of \$75,250,000, in object class 25.0, other Services, is necessary to cover these payments.

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ACCOMPLISHENTS AND MCREGARD: The following table shows the estimated number and associated dollar value of claims received, approved and fully processed by the Civil Division. Payments for claims processed in the fourth quarter of the fiscal year are shown in the following fiscal year.

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Serent:	200	ousand
8	Dolla	S
	me and	ollars
t los	Cla	9
Radia		

	,00	1002 Actival	1993	1993 Estimate	1994	Det imate
Claims/Payments by Claiment Category	Marker	Dollar Value	Number	Dollar Value	Marker	Dollar Value
Downvinders		;	692	\$34.600	72	\$3,600
Claims Perming, programmy or rear	850	\$42.500	1,000	20,000	200	25,000
	8.7	2,900	1,200	000,09	5 00	10,000
Claims Approved	3 -	0	420	21,000	500	10,000
Claims rejected Claims Pending, 12nd of Year	695	34,600	72	3,600	172	8,600
•						
Uranium Miners	;	;	681	\$68,195	551	\$55, 195
Pending,	966	\$86.600	1,000	100,000	8	20,000
Claims Filed	185	18.405	780	78,000	240	24,000
Claims Approprie	2	0	350	35,000	8	30,000
Claims rejected	681	68,195	551	55, 195	511	51, 195
On-Site Participants			183	\$13.725	33	2,475
Claims Pending, Beginning or rear		\$11 725	650	48,750	200	37,500
Claims Filed	6	0	250	56,250	440	33,000
Clause Aproved	•	• •	S	3,750	8	7,500
Claims Perding, End of Year	183	13,725	33	2,475	33	2,475
Olaim Dadim Baiming of Veer	;	:	1,556	\$116,520	929	\$61,270
Claims Peruiny, beginning or team	008	\$142.825	2.650	198,750	1,500	112,500
Claume Filed	140	26,305	2,730	194,250	880	67,000
Claims Aproved	<u> </u>	0	820	59,750	3 6	44,500
Claims rejected	1,556	116,520	959	61,270	716	62,270
	•					1
Phyments Made	285	\$22,364	2,365	\$170,750	1,060	\$75,250

Department of Justice Rediation Exposure Compensation Administrative Exponess Estimates for Fiscal Year, 1924 Table of Contents

Summary Statement
Justification of Proposed Changes in Appropriation Language
Crosswalk of 1993 Changes
Summary of Requirements
Bare Comparison
Justification of Program and Parformance

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Summary Statement
Fiscal Year 1994

The Radiation Exposure Compensation Act of 1990 offers an apology and monetary compensation to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. Payments to affected individuals come from the Radiation Exposure Compensation Thust Fund, hereaftar referred to as the Fund, authorized by the Act. Although the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Attorney General is responsible for the disbursement of the Fund and has delegated the administration of the program to the Civil Division.

To cope with the flood of claims and litigation ensembered by the Act, the Civil Division was provided \$1,985,000 from the General Legal Activities appropriation in 1992. This provided 17 positions to initiate the program. Funding for the administrative expenses associated with the Purd was provided through a separate appropriation established in 1993 that scored expenses against the Defense classification. These resources were then made available to the Division through a reinfaursable agreement. In 1994, the cost of implementing the program will be \$2,722,000, the same amount provided in 1993.

Implementation of the program is well underway. The Attorney General signed the final regulations on March 27, 1992, and in April of 1992, they were published in the Federal Register. During the first eleven months of full-scale implementation, 2,609 claims were received, seeking payments of \$192 million. Payments totalling \$36 million were made in association with 477 of these claims and 206 claims seeking a total of approximately \$13 million were denied. -

Department of Justice Radiation Economy Compensation Administrative Economy Justification of Proposed Chapter in Appropriation Language

The 1994 estimates include proposed charges in the appropriation language listed and explained below. Hew language is undermoored and deleted metter is enclosed in brackets.

Redistion Exposure Compensation Administrative Expenses

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,722,000. (Department of Justice and Related Agencies Appropriation Act, 1993.)

Delanation of charge:

No substantive changes proposed.

	Activity/Program	Radiation Exposure Compensation Administrative Expenses
1993 P	Pos. WY Amt.	:
resido	A Kedo	: :
ıt's	Amt.	\$2,722
882	Pos.	:
Congressional Appropriation Actions on	W W	:
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Department of Justice Rediation Excesses Compensation Absinistrative Expenses Summary of Reguirements (Dollars in thousands)

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	Adjustments to belie: 1993 As Enected 1993 Apropriation Anticipated 1994 Base 1994 Base 1994 Baseline	Estimates by budget activity	Radiation Exposure Compensation Administrative Expenses

The Radiation Compensation Trust Purd is used to compensate individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. In 1992, the Civil Division of the Department of Justice was appropriated 17 positions to implement the program; the 1994 cost of implementing the program is the \$2,722,000 shown in the above table. In order to more appropriately reflect the administrative expenses associated with the Purd, a separate appropriation was established for 1993 and beyond, specifically for the administrative expenses of the Fund. The funding will be soured against the Defense functional classification and made available to the Civil Division of the Department of Justice under Object Class 25.0 (Other Services) to fund the 17 positions and workyears needed in 1994.

737

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\$2,722

\$2,722

Exhipting of Justing
Exhibition Exposure Componention
Aministrative Exponess
Dase Comparison
(Dollars in thousands)

Trease/Jesteanul	Ferm. los. W Amount
1994 Baseline	Pos. W Amount
1994 Base	Perm. Ros. W. Amount
1993 Appropriation Anticipated	Pos. Wy Amount
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Athinistrative Experses
Justification of Program and Performance
Activity Resource Surmary
(Dollars in thousands) Radiation Exposure Componsation

1993 Appropriation

ICMG-RANGE COAL: To successfully implement the Radiation Exposure Compensation Act of 1990 including efficiently processing claims, insuring accurate disbursement of funds and protecting the U.S. Treasury against unwarranted claims.

To effectively administer payments to individuals identified as eligible under the provisions of the Radiation Exposure Compensation Act of 1990 and successfully handle any ensuing litigation. MAJOR ORDECTIVES:

INSELFACEMY DESCRIPTION: The Radiation Exposure Componention Act of 1990 (P.I., 101-426) offers an apology and mometary componention to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. To cope with the flood of claims and litigation engendered by the Act, the Department of Justice's Civil Division was appropriated 17 positions in 1992. Ocsts associated with those positions will total \$2,722,000 in 1994.

The Act establishes a trust fund in the U.S. Treasury to provide payments of \$50,000 to individuals who lived downwind of nuclear test sites and developed specified diseases as well as payments of \$100,000 to persons employed in uranium mines who developed certain diseases. The Act was amended by the National Defense Authorization Act for PY 1991 (P.L. 101-510) to include payments of \$75,000 to individuals who participated onside in atmospheric nuclear tests and developed specified diseases. To receive compensation, a claimant need only prove that he or she resided in one of the specified areas during the specified time period, participated in a nuclear weapons test or was an employee in a uranium mine, and developed one of the designated ailments within a certain number of years.

Although the program activities of the Department of Deferse and the predecessors to the Department of Brengy precipitated the need for the Act, the Attorney General is responsible for disbursament of the Pund. The Attorney General delegated to the Civil Division the administration of the program. An extensive range of responsibilities is associated with implementation of the program including issuing regulations, conducting a nation-wide publicity campaign, reviewing and processing claims, issuing checks and assisting in representing the Government in any litigation.

ACCOMPIGENCY AND WARGEAR: The table below is a summary of a table included in the Payments to the Radiation Exposure Trust Purd justification that reflects the workload that the Civil Division staff is expected to handle.

Radiation Exposure Compensation Program Claims and Dollars Sought (IDJIars in thousands)

	1	992 Actual		3 Estimate		4 Estimate
Total Claims	Mumber	r Dollars Sought Num	8	r Dollars Sought Numb	0	r Dollars Sought
Claims Pending, Beginning of Year	:	•	55	\$116,520	Ñ	\$61,270
Claims Filed	1,899	\$142,825	65	198,750	0	112,500
Claims Approved	343	26, 305	2	194,250	÷	67,000
Claims Rejected	0		82	59,750	•	44,500
Claims Pending, End of Year	1,556	116,520	Š	61,270	_	62,270

Issuance of Regulations: Draft program regulations were prepared by the Justice Department's civil Division and published on September 9, 1991.

Over 125 letters were received during the ersuing notice and comment period, and the regulations were substantially revised based on the comments. The regulations were structured in such a way as to minimize the documentation requirements for individual claimants while providing maximum possible protection against fraud and abuse. The Attorney General signed the final regulations on March 27, 1992, which were then published in the Federal Register.

ğ Claims Processing: The first claims were filed immediately following the issuance of regulations. In the first eleven months of full-scale implementation, 2,609 claims were filed, seeking payments of \$192 million. Payments totalling \$16 million were made in association with 477 these claims and 206 claims seeking a total of approximately \$13 million were denied Identification of claimants: Through an extensive publicity campaign, entailing sendnars in Utah, Colorado, New Mexico and Wyoming, numerous press releases and a toll-free hot line, the Civil Division identified over 6,000 potential claimants and mailed claims packages to each of them.

Oustomer Service: The Civil Division has created claims forms and quidebooks for each of the three claimant categories. Substantial effort was expended to make the forms and quidebooks easily usable by persons without an attorney. The Division also developed release forms to obtain information from state, Pederal and private sources to assist claimants. In addition, the Division recently designed a new system for providing status information to claimants.

Compensation Act. Information about the claimants, victims, illnesses and radiation exposure is recorded in the database. The system tracks actions the and completed by the staff and generates tickler reports used to manage the workload, schedule processing and assure that claims are handled within the timeframe required by the Act. The system also automatically generates various letters and notices along with mailing labels to be sent to claimants or other sources of information. Management reports and statistics on claims processed and dollars awarded are also procked by the automated system. The system is totally integrated with the Division's case management system, OASES. The Civil Division has developed and implemented an automated system for tracking claims under the Radiation Deposure Automated Support:

7

Page Number

Department of Justice Civil Liberties Public Education Purd Estimates for Fiscal Year 1994 Table of Contents

Summary Statement
Crosswalk of 1993 Charges
Summery of Requirements
Summary of Resources
Justification of Program and Performance

Legal Activities

Civil Liberties Rublic Education Rand

Samory Statement

Fiscal Year 1994

Purding will provide the Attorney General with funds to compensate individuals eligible to receive redress pursuant to the Civil Liberties Act Amendments of 1968 (P.L. 102-171). The fund will also be used for educational activities about the evacuation and intermment in an effort to prevent the recurrence of any similar event. These activities will be coordinated by a nine member board appointed by the President. The Attorney General delegated the administration of this progress to the Civil Rights Division which, in turn, established the Office of Retress Administration (GRA).

Rublic Law 101-162, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, enacted November 21, 1969, classified the Rund as an entitiement program appropriating a maximum of \$500 million each year, beginning October 1, 1990. The Civil Liberties Act of 1968 authorized \$1.25 billion and the Civil Liberties Act Amendments of 1992 authorized an additional \$400 million, providing a total funding level of \$1.65 billion. These Acts established the maximum amount available to the Pund.

The Acts include funds to comparate 80,000 eligible persons or their descendants. Of the amount included for 1994, \$100 million will be used to pay eligible individuals and \$5 million will be used for education activities pursuant to Section 106(b) of the Act. Only those individuals who were alive on the date the law was passed (August 10, 1988) are eligible to receive comparation. If a person who was alive on the date treativing redress, the monies are then distributed to the spouse, children, and parents of the decedent, in that

Legal Activities

Civil Liberties Public Education Fund

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed charges in the appropriation language listed below.

Civil Liberties Public Education Fund

For research and public educational activities, and to publish and distribute the hearings, findings, and recommendations of the Cammission on Martime Relocation and Interrment of Civilians, pursuant to section 106(b) of the Civil Liberties Act of 1988 (Public Law 100-383), \$5,000,000,

Delanation of chances

This language is intended to also cover reasonable administrative expenses of the Board, including expenses as follows:

- (1) members of the Board shall be entitled to reinfoursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the board;
- (2) the Board may appoint and fix the pay of each additional staff as it may require; and
- (3) administrative support services as required.

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Legal Activities
Civil Liberties Public Education Fund
Crossmalk of 1991 Changes
(Dollars in thousands)

1993 Appropriation Anticipated Ros. M. Ant.	000'0058 *** ***	500,000
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Reprogrammings Ros. MY Amt.	=======================================	:
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1993 President's Rudost Request Res. W. Amt.	3200,000	200,000
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Activity/Program	Civil Liberties Rublic Education Purd	Total

Civil Liberties Public Education Fund
Bussary of Requirements
(Dollars in thousands)

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Civil Liberties Public Education Fund Bussary of Resources by Progras (Ballars in thousands)

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Estimates by budget activity	Eź	_ ≥) in	Ēź	. 5	Pers.	Eź	.5	P	Ėż	\$	Per	Ėź	\$	Per se	įį	₹	1
Civil Liberties Public Education Fund	:	:	138. 188.	:	l :	(304,000 (304,000 (304,000 (106,000 (105,000 (5,000	:	! :	1588, 000	:	:	# · · · · · · · · · · · · · · · · · · ·	:	1 :	1165,000 15,000	l :	l :	\$ 5 \$
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Justification of Program and Parformance Civil Liberties Rubile Education Fund Activity Resource Summary (Dollars in thousands)

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periacion	Ascurt	\$500,000
T C	呂	:
		:
		Activity: Civil liberties public education fund

<u>LONG-RANKE GOAL:</u> To provide payments to eligible individuals of Japanese ancestry who were evacuated, relocated or intermed in the United States during World War II as outlined by the Civil Liberties Act of 1988 and the Civil Liberties Act Amendments of 1992.

MAXIN ORDECTIVE

To provide funds for payments to individuals identified as eligible under the provisions of the Civil Liberties Act of 1988 and the Civil Liberties Act Ameniments of 1992.

BASE RECENTION: The Civil Liberties Act of 1988 authorizes the appropriation of funds to establish a fund in the Treemary of the United States. Public Law 101-161, enacted November 21, 1989, classified the fund as an entitlement program. The Civil Liberties Act of 1992 authorized an additional \$400 million, providing a total funding level of \$1.65 billion. The Acts provide funds to compensate 80,000 individuals.

ACCOUNTING HEAVIS:

Over 77,969 payments representing 74,967 cases have been distanced to eligible individuals through January 11, 1993. (The number of payments exceeds the number of cases because some cases include payments to more than one heir.) In 1993, payments were made to eligible individuals (or their heirs) born on or before December 1, 1943. Virtually all of the remaining payments to eligible individuals are expected to be discussed in 1994.

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	1994	Basel	ine	133	A Pat	imate	Incre	Q/ase	Crease
HORNA CIBNES:	Perm. Ros. W. Amount	虽	Amount	Pos.	걸	Pos. HY Amount		¥	POS. NY AMOUNT
Civil liberties public education fund	000,000\$;	100,000	:	:	\$105,000	:	:	\$5,000
The \$5 million increase will be used to fund the educational activities outlined in Section 106(b) of the Act. These activities would declare the baselone stations and increase stations, and other	outline		Section 10	26(b) of	the A	t. These a	otivities of civilia	would	d other

The \$5 million increase will be used to fund the educational activities outlined in Section 106(b) of the Act. These activities wou' include publishing the hearings, findings, and recommendations of the Commission on Wartims Relocation and Interment of Civilians, eprograms to educate Americans about the injustice of the interment of Japanese Americans during World War II. A nine member board, appointed by the President, will make decisions regarding the specific activities to be funded.

Mr. Moran. The Committee is pleased to welcome Acting Assistant Attorney General Michael L. Paup. Mr. Paup, we will place your biography and written testimony in the record.

[The biographical sketch of Mr. Paup follows:]

MICHAEL L. PAUP

Personal: Born October 27, 1941.

Legal: The University of Virginia School of Law, Charlottesville, Virginia, Graduated, 1969; Member, University of Virginia Law Review Order of the Coif. Undergraduate: Columbia College, New York, New York, Graduated, 1963.

11/87-Present: Deputy Assistant Attorney General, Tax Division, Department of Justice.

6/80-11/87: Chief, Appellate Section, Tax Division, Department of Justice.

12/73-6/80: Reviewer, Appellate Section, Tax Division.
7/69-12/73: Attorney, Appellate Section, Tax Division.
2/65-9/66: Budget Analyst, Naval Air Systems Command, Department of the Navy, Washington, DC.
7/64-2/65: Management Intern, Department of the Navy, Washington, DC.
Par Management Viscinia Ray, United States Supreme Court: United States

Bar Memberships: Virginia Bar; United States Supreme Court; United States Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia and Federal Circuits.

Mr. Moran. And, at this point, we will be anxious to hear your synopsis of your testimony and appreciate your coming before the committee. And I know I share Mr. Roger's point of view on that.

Mr. Rogers. Sure do.

Mr. Moran. So you may proceed.

STATEMENT OF MICHAEL L. PAUP

Mr. PAUP. Thank you very much, Mr. Chairman. I am pleased to be here to speak on behalf of all of the appropriations you have

previously named, so I won't go through them again.

I would like, before I make a few brief comments, to introduce some people I have brought with me. Starting at the far end is William H. Gonzales. He is the Special Counsel for Immigration-Related Unfair Employment Practices. Seated next to him is Myles E. Flint. He is Acting Assistant Attorney General for the Environment and Natural Resources Division. Next to Myles is Stuart E. Schiffer, who is Acting Assistant Attorney General for the Civil Division.

Seated immediately behind me is James P. Turner, Acting Assistant Attorney General for the Civil Rights Division. Behind me yet again is John C. Keeney, Acting Assistant Attorney General in charge of the Criminal Division. And then, finally, next to Jack is Stephen R. Colgate, who is the Assistant Attorney General for Administration.

Mr. Moran. Holy smokes.

Mr. PAUP. We have moved into real time.

Mr. Moran. The only non-lawyer among you.

Mr. PAUP. Steve is in charge of the Justice Management Division.

I have only a few brief comments, and then we will turn the floor over to you for whatever questions you all might have for us. Let me begin briefly with the General Legal Activities appropria-

tion. This appropriation funds the Criminal, Civil, Environment

and Natural Resources, Civil Rights and Tax Divisions. It also funds the Office of the Solicitor General, the Office of Legal Counsel, and the Office for Immigration-Related Unfair Employment Practices. Finally, funding is provided for the National Central Bureau to INTERPOL, and for the Legal Activities Office Automation Fund.

Let me talk very briefly about the litigating divisions. The five litigating divisions represented here are responsible for handling cases that arise in specialized dockets, and, in turn, coordinating and supervising some of the most important litigation conducted by the Department.

MAJOR ACCOMPLISHMENTS

As our budget submissions reflect, each of us has a proud tale to tell, and the last year was marked by many successes. Let me mention briefly all of my peers, and then I will turn to myself.

Criminal had some very significant procurement fraud convictions this last year and also successfully concluded an investigation of a bank that drew some notoriety, culminating in the forfeiture of nearly half a billion dollars.

The Civil Division has outlined some of its accomplishments, and, indeed, just this last week Mr. Schiffer announced that they had successfully concluded five separate fraud cases which will result in the recovery of \$11.6 million for the United States.

The Environment and Natural Resources Division has had many significant victories, not the least of which, of course, is its success with the Exxon-Valdez matter.

Civil Rights—I guess all we need to do is refer back a couple of weeks to the newspaper. That Division, along with the U.S. Attorney's Office, was successful in the prosecution in Los Angeles arising out of the beating of Rodney King.

Finally, for the Tax Division, we have obtained several significant and I think long-lasting precedents, turning away deduction claims for green mail payments. We also have been extremely active on the criminal front.

1994 BUDGET REQUEST

As you have noticed or noted, Mr. Chairman, the 1994 request is for just over \$408 million. This represents a \$12 million increase over last year, the bulk of which, indeed all of which, will go to fund uncontrollable cost increases.

I think I speak on behalf of each of us, Actings and real, that we are going to have to face the challenge of doing more with less. I think each of us is committed to that effort, and we trust we will succeed.

As you mentioned, Mr. Chairman, we are also here on behalf of the Civil Liberties Public Education Fund. \$100 million is requested to permit what we believe will be the final round of payments under this program to the eligible recipients. In addition, \$5 million is requested for a public education fund.

Finally, funds are requested for the Radiation Exposure Compensation Trust Fund and for the administrative expenses necessary to operate that program. Also, funds are requested for the Legal Ac-

tivities Office Automation account to continue our effort to en-

hance office automation account to continue our enort to enhance office automation systems.

With that, I will conclude, and we will be happy to try to answer any questions you might have.

Mr. Moran. Thank you, Mr. Paup.

[The prepared statement of Mr. Paup follows:]

DEPARTMENT OF JUSTICE

GENERAL LEGAL ACTIVITIES

CIVIL LIBERTIES PUBLIC EDUCATION FUND,

RADIATION EXPOSURE COMPENSATION TRUST FUND AND

RADIATION EXPOSURE COMPENSATION ADMINISTRATIVE EXPENSES

STATEMENT OF ACTING ASSISTANT ATTORNEY GENERAL, TAX DIVISION MICHAEL L. PAUP

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you today to discuss the 1994 budget requests for four separate appropriations — General Legal Activities, the Civil Liberties Public Education Fund, the Radiation Exposure Compensation Trust Fund, and Radiation Exposure Compensation Administrative Expenses. I would like to express my appreciation for the support this Subcommittee has consistently given the Department. As the accomplishments noted in our budget submission reflect, we believe that with your support, we have achieved substantial successes.

General Legal Activities

Let me first turn to the General Legal Activities or "GLA" appropriation. As you know, the Justice Department components funded by this appropriation, together with the United States Attorneys and the Antitrust Division, constitute the United States' front-line "law firm." Prosecuting criminals, recovering monies owed to the United States, defending against claims asserted against the United States, and ensuring that vital

Federal programs and interests are defended in court are all part of the day-to-day work done by these offices.

Specifically, the GLA appropriation funds the Criminal,
Civil, Tax, Civil Rights, and Environment and Natural Resources
Divisions, as well as the Offices of the Solicitor General, Legal
Counsel and Special Counsel for Immigration-Related Unfair
Employment Practices. The appropriation also funds the U.S.
National Central Bureau to the International Criminal Police
Organization (INTERPOL) and the Legal Activities Office
Automation fund which provides litigative support to all of the
Department's litigating components.

While the bulk of Federal litigation is handled by the United States Attorneys, the five litigating divisions funded here handle directly the particularly complex or novel cases that require special expertise or those cases that require uniform treatment to ensure proper development of Federal policy. These divisions also play a vital role in multi-district or national cases requiring centralized strategies and coordination.

Noteworthy cases easily come to mind. Thus, the Civil Rights Division's recent prosecution of four Los Angeles police officers for their involvement in the beating of motorist Rodney King represents a premier example of the importance of maintaining the specialized talent funded by GLA. The Division

brought its specialized experience in enforcing criminal civil rights laws to bear and, in a joint effort with the United States Attorney's office, successfully convinced the jury to convict two of the four defendants of intentionally depriving Mr. King of his civil rights. Equally, the large and small cases arising in the specialized dockets of the Department's Environment and Natural Resources and Tax Divisions and some of the cutting-edge litigation conducted by the Civil and Criminal Divisions cry out for the expertise these Divisions bring to the courtroom.

For 1994, a total budget of \$408,384,000 to fund 3,516 positions is requested for the General Legal Activities appropriation. Compared to the 1993 level of \$396,300,000 and 3,674 positions, this represents a reduction of 158 positions, but an increase of \$12,084,000, or three percent over the 1993 amount. These additional funds will be applied towards uncontrollable cost increases.

The Attorney General is committed to support the Administration's plan to reduce the Federal deficit and promote efficiencies within Government. This commitment is most clearly evidenced by our proposal to reduce staffing under this appropriation by 158 positions. This reduction is composed of two separate requests: first, a decrease of 54 positions and \$3.4 million is associated with President Clinton's decision to reduce Federal staffing by 2.5 percent in 1994; and secondly, a

decrease of 104 positions is related to a reduction of approximately \$7 million -- GLA's contribution to reduce the Federal deficit. And we plan to decrease administrative expenses in components funded here by over \$3 million in 1994.

The Department, along with other Federal agencies, must meet the challenge of finding more efficient ways to discharge our responsibilities. While U.S. citizens are faced with the likelihood of higher taxes and sacrifice, we believe that we also have a responsibility to make every effort to search for ways to "work smarter." To accomplish this, we will reprioritize our work and ensure that necessary resources are available to meet our most critical workload. I am certain we can meet this challenge of attaining higher efficiency.

Civil Liberties and Public Education Fund

Let me turn briefly to the Civil Liberties Public Education Fund. The Civil Liberties Act of 1988 authorized \$1.25 billion in payments to individuals of Japanese ancestry who were interned during World War II. Pursuant to 1992 amendments, eligibility for benefits was expanded to include non-Japanese spouses and total authorizations for this program were increased to \$1.65 billion. Congress appropriated \$500 million in fiscal years 1991, 1992 and 1993. For 1994, \$105 million is requested for this program. Of this amount, \$100 million is needed to make payments to the remaining eligible individuals, while \$5 million

is requested to carry out public education activities to inform Americans about the evacuation, relocation, and internment of Japanese-American citizens during World War II. The specific educational activities will be decided by a nine-member board, which will be appointed by the President with the advice and consent of the Senate.

Radiation Exposure Compensation Trust Fund

Finally, let me mention the Department's request for the Radiation Exposure Compensation Trust Fund and the associated appropriation for expenses of its administration.

The Radiation Exposure Compensation Trust Fund was established by the Radiation Exposure Compensation Act of 1990 to authorize the Attorney General to establish procedures for making payments to individuals who contracted cancer and other serious diseases as a result of exposure to radiation released during above-ground nuclear weapons tests and uranium mining.

The Civil Division, to which the Attorney General delegated the administration of this program, estimates that 1,060 meritorious claims will be filed in 1994, requiring payments totalling \$75,250,000. This is a substantial decrease from last year's appropriation of \$170,750,000, and we anticipate future requirements for this program to continue to decline.

Radiation Exposure Compensation Administrative Expenses

In addition, \$2,722,000 is requested for administrative expenses associated with the Trust Fund. These funds will pay for the processing of thousands of claims as well as widespread advertising to disseminate information to potential claimants.

Mr. Chairman, This concludes my prepared statement. I will be pleased to respond to any questions you or the Subcommittee's Members might have.

POSITION CUTS

Mr. Moran. Actually, I have several questions I do want to ask, but Mr. Rogers is the Ranking Minority Member of the committee and much senior to me, and so I would like to defer to you, Mr. Rogers, if you would like to begin the questioning.

I trust you had a successful Kentucky Derby weekend?

Mr. Rogers. Well, they did. I didn't. I tried, but the horses didn't cooperate.

Well, thank you very much, Mr. Chairman, for allowing me to go

first here.

Now let me ask you, between base reductions to, quote, achieve deficit reductions and mandated FTE cuts of the various divisions is reduced by a total of 158 positions.

Mr. Paup. That is correct.

Mr. Rogers. Including 78 attorneys, the Criminal Division loses 104 in total?

Mr. Paup. Yes, sir.

Mr. Rogers. How will those cuts affect your ability to handle the larger, more complex cases that those divisions are now responsible for?

Mr. PAUP. Well, let me first begin with a general answer, if I may, and then I will let Jack address your specific concern regard-

ing the Criminal Division.

As I indicated in my brief comments, there is no doubt that we are going to have to learn to do more with less. Certainly, I think all of us will face the challenge of finding ways to reprioritize our work so that we don't overlook the important cases just in the rush of business.

Equally, I think many of us are going to have to streamline our administrative operations—certainly, that has been an emphasis for the last couple of years—and to take increasing advantage of the automated equipment that this committee has generously provided us. We have found we can deal with smaller secretarial staffs better than we might otherwise.

Jack, would you like to address the Criminal Division?

Mr. Keeney. Well, in the Criminal Division, a number of positions, Mr. Rogers, were unfunded, so that the net loss to the Criminal Division is something in the order of 23 positions.

Mr. Moran. Sir, would you give your name before we get too far? Mr. Keeney. John Keeney. I am the Acting Assistant Attorney

General for the Criminal Division.

To repeat, Mr. Rogers, a number of the positions were unfunded. Our net loss is somewhere in the area of maybe 23 positions. That doesn't mean that we are going to have an easy time because we have a lot of commitments in the white collar crime area, and, obviously, we are going to have to adjust and reallocate our resources.

For instance, some of the financial institutions fraud—an area where we have been quite successful, the workload is beginning to peak and maybe drop a little bit. When we get the new leadership on board, we will have to give consideration as to whether or not we can take some resources from there and some resources from

other areas and use them, for instance, in the health care fraud area, which we think is another growing area of criminal activity.

But we are definitely going to have to reallocate our resources, Mr. Rogers.

DEBT COLLECTION

Mr. Rogers. Many of us believe the Department is not applying enough resources to the collection of debt and other receipts to the Treasury. How can we justify reductions in those positions in both the Tax and Civil Divisions?

Mr. PAUP. Well, let me start with the Tax Division, which I know fairly well. Certainly, we have placed an increasing emphasis on debt collection over the last few years and have been fairly proud of our accomplishments in that regard. We have recovered \$6 for every \$1 that has been appropriated for us.

As I indicated earlier in response to your other question, Congressman, we are going to have to reprioritize. We cannot afford to give up the efforts we have made thus far to enhance our debt collection abilities.

My instinct is that we will probably, as soon as new leadership comes on board, begin to cut back our litigation possibly on the criminal front. That litigation would then be done by the Offices of U.S. Attorneys, so that we can continue our efforts on the debt collection front.

Most of those efforts, or a good many of them, arise out of bankruptcy cases in which we have very little choice but to devote the time and energy.

Perhaps, Stuart, you would like to add something? Mr. Schiffer. Stuart Schiffer, Congressman, I am the acting head of the Civil Division.

I don't think our answer really differs in kind from what Mr. Paup has said. We are very proud of the record we have in the debt collection area.

Even though our case load is overwhelmingly defensive, in our affirmative litigation, we bring in large multiples of the entire appropriation for the Civil Division. We may, in some cases, be asking Congress to help us with new tools to facilitate debt collection, give us the weapons we need. I am confident we are still going to have a record that we can be proud of.

More people would probably bring in more dollars, but we are going to do everything we can to continue to bring in the dollars the taxpayers are entitled to have us recover.

Mr. Rogers. You have a net decrease of 10 positions, and yet you show increases not only in the number of cases received but also in the number of cases closed in the Tax Division.

TAX DIVISION WORKLOAD

Mr. PAUP. The Tax Division is mine.

Mr. ROGERS. I am trying to figure out what is the secret of doing more with less.

Mr. PAUP. Our projections in the budget at least indicate that, while we will maintain our record of closing roughly the same number of cases, more cases will linger on our docket at the end of that year than have lingered on the docket in previous years. That simply reflects the fact that with fewer bodies you can't bring cases to closure quite as rapidly as otherwise.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

Mr. Rogers. Now, the Japanese-American Redress Program. Do I understand correctly that the \$100 million requested for payments to Japanese-Americans, their spouses and children, is the final such request for this program?

Mr. Paup. That is what we project, Congressman. Now, not all of this money may be expended this year, but if we get the claims

that we expect, we think this should finish it out.

Mr. Rogers. Now, what is this \$5 million for educational activi-

ties?

Mr. Paup. Well, the Congress authorized the establishment of an education program with respect to this redress. I will let Jim Turner give you more details about it, if I might.

Mr. TURNER. My name is James Turner. I am Acting Assistant

Attorney General of the Civil Rights Division, Congressman.

Under the Civil Liberties Act, there was authorized the creation of a committee to inform the public about what happened and to take measures to educate the public so that that kind of activity would never occur again. It was projected at that time by Congress that it would cost \$50 million total. That has been reduced to about 10 cents on the dollar now, and it is a \$5 million request that is included in the budget.

Mr. Rogers. How is that going to be spent?

Mr. TURNER. It will be spent by a committee to be named by the President. President Bush had selected some people, but they were never confirmed by the Senate, so the body has yet to be appointed.

But they are charged with conducting an educational program

with money appropriated by Congress.

Mr. Rogers. Well, do we know that people don't know about it?

How do we know that there is a problem?

Mr. Turner. Congressman, it was the congressional judgment that put this in there. I believe that, in the spirit of the Holocaust Museum, which we have all been so impressed with recently, that this kind of thing should not pass by and should never be forgotten.

Mr. Rogers. Well, that is not an investment proposal, is it? That

is a part of your base budget request, is it not?

Mr. Roper. Mike Roper.

Mr. Rogers, yes, it is not treated as an investment program. It is just treated as a——

Mr. ROGERS. Budget request.

Mr. Roper. Program increase.

Mr. Rogers. Friday we heard from the U.S. Marshals, and they don't have enough money to have the manpower to keep accused rapists, murderers, drug dealers and so forth in jail pending a trial, and they call that an investment. If you can find the money, it would be nice to have, they say.

And you are telling me we can take \$5 million that we can use for that purpose and make some sort of videotapes about a World

War II event in this country. How can you justify that between the

Mr. ROPER. Well, I think part of it may have been just strictly timing in terms of the way the budget was developed. A lot of investments were locked onto at an earlier time, and as the requests were developed, there were certain amounts targeted for investment.

This particular item came into the process of the President's budget formulation rather late, and I think it was treated as a straight add-on by the Administration.

POSSIBLE SHIFTING OF FUNDS TO THE U.S. MARSHALS SERVICE

Mr. Rogers. Would you have any real problems if we shifted this over to the U.S. Marshals or to the U.S. Attorneys or somewhere else we have? Eighteen or so Federal judges coming on stream next year with I don't know how many new courtrooms to guard and repair, and we don't have a penny to spare, not a penny. You are cutting back in the Tax Division, in the Civil Division and elsewhere. It just seems to me that there ought to be some judgment.

Mr. ROPER. We are here, Mr. Rogers, to defend the President's request, which we will. The only thing in terms of overall Department priorities, as this committee has become familiar with in the past, is that you will probably see an overall priority judgment of ranking in the end of what our priorities are, knowing that every

dollar in the request cannot be the first dollar.

Mr. Turner. Let me add, Congressman, that the Japanese-American community petitioned Congress close to 50 years for redress and it was finally adopted. And, included in that, was a commitment to them of the \$50 million education fund, which has now shrunk to \$5 million. So I think that there has been some recognition of the tightening of the fist.

REDRESS PAYMENTS DISTINGUISHED FROM EDUCATION PROGRAM

Mr. Rogers. How much will we have spent on this program when it is done this year?

Mr. ROPER. Mr. Rogers, through 1994, if the full \$105 million

were appropriated, it would be \$1.605 billion dollars.

Mr. Rogers. Isn't that a pretty good educational program in

Mr. Turner. I can only say the redress payments were not perceived as educational but as redress.

Mr. Rogers. Well, it has certainly given us an education, though, in the process.

Mr. ROPER. It is one of the few entitlement programs to my knowledge, though, that will have ended.

Mr. Rogers. That will have what? Mr. ROPER. That will have ended.

Mr. Rogers. Well, let's hope it does. We are not even sure about that yet.

Okay, Mr. Chairman. Thank you.

TAX LIABILITY

Mr. Moran. Thank you, Mr. Rogers.

Just to follow up on some of the questions that Mr. Rogers asked, I think it is penny wise and pound foolish to be reducing your people in these areas, such as the Tax Division. How much money is now estimated not paid in terms of tax liability?

Mr. Paup. I believe the Treasury estimates range in the hun-

dreds of billions—\$110 billion.

Mr. Moran. \$110 billion?

Mr. Paup. Yes, as I recall.

Mr. Moran. About \$110 billion in taxes that is not paid that is due——

Mr. PAUP. That is an annual amount. That is the so-called tax gap, which is a projection that is developed by the Internal Revenue Service and the Department of the Treasury.

Mr. Moran. Not an insignificant amount of money.

Mr. Paup. No, sir. And we are committed to reducing it, and that is the reason that we have maintained for the last couple of years a heavy program of bringing down failure to file indictments around April 15th, just as a gentle reminder—to those who might forget their obligation—that there is a price to be paid.

Mr. Moran. Well, I understand. I don't have any problem with what Justice is doing. I just don't think you are doing enough of it. And I can't imagine for the life of me why you would be taking 10 people from the Tax Division, unless it is a misnomer, unless these

are not the people who prosecute tax laws.

Mr. PAUP. Well, we prosecute and the offices of the United States Attorney also carry a heavy load of tax prosecutions, Mr. Chairman

As I indicated earlier, we authorize all tax prosecutions and approve them, but many of the cases themselves are litigated by As-

sistant United States Attorneys in the field.

Mr. Moran. Well, as our crack staff tells me, they have taken a hit, too, and they are taking a hit, and you are integral to that function. So I just can't understand why that part of your operation would be reduced. I can't even understand the reason for the reduction in the Criminal Division.

Mr. PAUP. Well, as I indicated earlier and as I believe all of my colleagues have indicated, we are going to attempt to do fully as

much as we did last year with what is given us.

TAX ENFORCEMENT' POLICY OF IRS

Mr. Moran. Well, I suspect that everyone can do more with less in their own lives and professionally as well, but we can't expect a lot more to be done with a lot less people. And with all the junk that is in the Federal budget, this is a pretty stupid thing to do. I don't know whether that is ever going to get imparted to anybody that is making those decisions, but I feel quite strongly about that. I think that \$110 billion is probably pretty accurate.

There is always going to be enough people who will cheat if they think they can get away with it. And it seems the more likelihood of prosecution, the less likelihood of people trying to get away with not

paying their fair share of taxes.

I would like to see this Tax Division beefed up, as a matter of fact. It is one area that we ought to be prosecuting anyway, just for the integrity and the credibility of the Federal Government. But when you are looking at over \$100 billion, when we have such scarce resources, gosh, this ought to be priority number one. That

is point number one.

Point number two, I read a couple of years ago that the Bush Administration had a policy memo. This is IRS. But you are tangentially involved in this. The memo said: Let's come down hard on the middle class because they are more likely to be more easily intimidated. The wealthier can afford the higher-priced accountants and so on. And so the proportion of audits that were allocated to people of middle incomes rose vis-a-vis the concentration of people with higher incomes. That was a Washington Post article.

Mr. PAUP. I am really not familiar with the article.

Mr. Moran. None of you are familiar with that article? Is that right? We had several speeches on the Floor of the House about that.

Mr. PAUP. Well, I should explain that we see cases that come into courts quite, quite later than the audit activity itself. There is a gestation period between filing a return and audit and then, in turn, between audit and the time we litigate cases. Certainly, it seems to us that the population of cases remains fairly much the same, albeit an ever-increasing number of bankruptcy cases.

AVERAGE INCOME LEVEL PROSECUTED CRIMINALLY

Mr. Moran. Sure. Do you have any figures as to the average income level that you prosecute?

Mr. PAUP. That we prosecute criminally? Mr. Moran. Yes. Are these the high rollers?

Mr. PAUP. It covers an extremely wide range. I have really only anecdotal information that I can give you because that is not some-

thing we honestly track very carefully.

Mr. Moran. I would be interested to know that, if it is possible to derive even rough statistics, because it just seems fair and rational to put most of your efforts at those who are bilking the government out of most of the money instead of people with an income of \$20,000 or \$50,000. It seems to me that our resources are much better applied if we are going after the people with incomes over a quarter million a year because, not only currently but in the future, there is more money at stake there, and I think there is likely to be a higher level of culpability because they can afford to hire accountants and tax lawyers to enable them to get around the tax laws. So because of that higher level of sophistication, I would hope that they are the ones that you are going after.

Mr. Paup. Well, I would like to indicate that, obviously, we have gone after what you would characterize as high rollers, or at least Leona Helmsley certainly made more annually than I ever shall.

Mr. Moran. She breaks up the average, no doubt.

TAX PROSECUTION OF CROSS SECTION OF POPULATION

Mr. PAUP. Very much.

But I guess one fundamental point I need to make, Mr. Chairman, is that the criminal tax enforcement program is designed as a handmaiden to the voluntary compliance program. We have always believed that it is important to prosecute a representative cross-section of the population, a car salesman or a real estate salesman, a wage earner, self-employed, a lawyer, a doctor, whatever, simply to keep the pressure on the population as a whole voluntarily to comply with the tax laws.

I am not sure that singling out only the wealthy for prosecution of criminal tax violations in the end will reduce the tax gaps the

way we hope a more balanced enforcement program might.

Mr. Moran. I understand what you are saying, and I wouldn't want you to concentrate exclusively on the high rollers. But many of the people with lower incomes are, I think, are less culpable, albeit culpable, than people who can afford to hire high-priced tax lawyers and accountants and go about it in a very deliberate, calculated way to avoid paying their fair share of taxes. And their fair share amounts to a heck of a lot more money than the person with an income of \$20,000 a year.

So I would think that you would have a higher proportion of focus or correlation of your distribution of cases on those with higher incomes. They are the ones that are accounting for most of

this \$110 billion, I would think.

Now, if you are going to tell me, well, if you take the average taxpayer it is a lot less and so in quantity you get up there, but in terms of the quantity of middle income taxpayers, the total amount is substantial. But the resources that have to be devoted to each one of those cases are much more than if you concentrated your resources on the very high income taxpayers. That is the only point I wanted to make. I am not going to engage in a debate with you.

Mr. Paup. Well, there is one thing I would like to add. You indicated that possibly there was a higher degree of culpability among the various defendants we might prosecute who earned more money. Let me just indicate that we have a conviction rate in criminal tax cases of 95 percent, so there is more than enough culpability to go around.

Mr. Moran. But, of course-

Mr. PAUP. Regardless of the income bracket.

CRIMINAL TAX CASE PROCESS DESCRIBED

Mr. Moran. But there is a story behind that, I suspect, and that is that you would—anything that you can settle, you settle. And you take the ones that are going to be the most likely to result in prosecutions. I will bet the vast majority of cases have settled out of court.

Mr. PAUP. Well, we don't settle criminal cases. We either author-

ize prosecution or decline prosecution.

The Internal Revenue Service, I am sure, investigates a number of cases that in the end it decides are not worthy of prosecution. We try to separate our civil and our criminal sides of the street and deal with a criminal case as a criminal case and only that.

Mr. Moran. You mean, in many of these cases that have already been audited and have gotten all the way down to Justice for prosecution, there are a number of them you decide not to prosecute?

Mr. Paup. Very few. There are not that many that are referred to us that we do not prosecute, but every once in a while we will decline to bring a prosecution that is recommended, either because we don't believe—in some instances, under the complicated tax laws we have, there are suspicions that the laws have been violated, but on closer examination it turns out that they have not been.

In other instances, we don't believe that a sufficient case is being put together to assure that there will be a conviction, and acquittal is the last thing we want in the criminal tax program because that

sends a very wrong message to the taxpayers.

DECLINED PROSECUTIONS RETURNED TO IRS

Mr. Moran. Although if you accepted a settlement, you would be

better off than dropping it. And there is culpability.

Mr. PAUP. The cases we decline for prosecution then go back to the Internal Revenue Service, and it proceeds with a civil investigation.

Mr. Moran. Oh, I see.

Mr. PAUP. There is no absolute exoneration of civil liability if we decline to prosecute.

Mr. Moran. How much did you make for the Federal Govern-

ment, say, last year?

Mr. PAUP. \$6 for every \$1. \$300 and some odd million in collections.

RETENTION OF SELECTED RECEIPTS

Mr. Moran. Well, you know, that is almost as much as General Legal Activities. If we could just let them keep that money that they make, it would be an incentive, and we would know what was being done with the money instead of being dropped into the deep black hole of the overall Treasury.

Mr. ROPER. Mr. Chairman, if I could have one minute just to follow up on what you are saying. This may be the politically incorrect thing to do, but for the last two years the Department sought increases for these money-generation type accounts, the ones that do affirmative litigation. The Committee, within its allocation, did

not have the ability to fund those increases.

That is not challenging this Administration in its recommending a decrease. But one of the frustrating things we all have to deal with, both in Congress and from the Executive, is there is no ability to retain these earnings because, depending on how the legislation is constructed, this committee could be charged with a negative revenue. Therefore, even though we can show that we generate \$6 for every new dollar, if that new dollar is an appropriated dollar, it may be an appropriated dollar that you do not have within your allocation.

Mr. Moran. I see what you are saying.

Mr. ROPER. The Administration this year has proposed a general provision to this bill that would allow the Department for the first time in a very limited sense to begin to retain some of the earnings

from monies that we collect. Up to 3 percent would be deposited to our Working Capital Fund and would be available for the processing and tracking debt collection activities. This is the language proposal for the debt collection activities.

But that is the first breach, in a sense, that has occurred in all of these years to begin to look at the possibility of Justice realizing

some benefit from its debt collection activities directly.

Mr. Moran. We ought to look into that as part of the reconciliation process in consideration for giving an incentive to your agency. Letting the money stay here and not charging the subcommittee as a new appropriation. That is a problem for scoring, and it is a good point you made. Thank you.

HONOR LAW GRADUATE PROGRAM

I have a series of questions here on the Honor Law Graduate Program.

Mr. Paup. Yes, sir.

Mr. Moran. Our Crack Staff wants to know what benefits you get from this program. Don't you already get the best and the brightest of the law school graduates coming into the Justice Department? Why do you need this kind of incentive? Are you interested in having quality attorneys who stay with the Department over a long career? How long do the attorneys that you get in under this program stay? And how much have you asked for the honors program in fiscal year 1994?

Mr. PAUP. Okay. I am not sure I can remember precisely all of those questions, but let me make a stab at it, and to the extent I

overlook one of the questions, please remind me.

To begin with, I should note for the record that I am not an entirely objective speaker in this regard in that, inasmuch as I, once upon a time, was an honor program attorney. It was before they raised the standards.

Let me speak, first, on behalf of the Tax Division because I have a fair amount of experience with the Tax Division. We have always tried to fill at least half of our openings out of the honor program

with new law graduates.

To begin with, there is a degree of enthusiasm. The quality of the applicants we get under the honor program has always been extraordinarily high, and we have a lot to offer a fledgling lawyer, and, therefore, we attract highly qualified fledgling lawyers. We offer them the chance to go into court. We offer them training experience they would never get in a private firm.

On the other hand, with respect to experienced attorneys, we don't offer the money that is often available on the outside. Now, recently, that situation has turned around, and we are seeing some fairly attractive resumes but unfortunately, we have no openings.

I believe I express the belief of all of my comrades back here, that the honor program is a very valuable tool for us. There are a couple of hazards that are attached to the honor program. That is, you extend offers well in advance of knowing what your funding is going to be.

For example, the Tax Division got caught up short this year because all of a sudden attrition just vanished, and we had extended offers and had to go to the Department for help in that regard.

But the Department as a whole made a decision that it was important to keep this program going. I guess I share that belief. I think that, even though our hiring next year will probably be very small, it is important to keep our toe in that door, simply because we do get some very good attorneys.

Indeed, after they raised the standards I believe two, if not three, of my comrades back here came to the Department via the honor program.

REPROGRAMMING ASSOCIATED WITH HONOR LAW GRADUATES

Mr. Moran. Again, the staff is asking why you needed a million and a half dollars in a reprogramming for the fiscal year 1993 Honors Law Graduate Program. I wasn't on the subcommittee. That is why the staff is asking. It probably would not have been approved had not the people already gotten into the program, and so there was a commitment to fund it.

Are you going to continue to fund that program?

Mr. Paup. We intend to go on with the program this year. Obviously, because of reduced funding, very few of us will be hiring at the level we hired in years past. I believe the Department shares the belief that, since we have obtained the entre into the law school placement market, we should be loathe to give it up just because we run into a couple of lean years.

Mr. Moran. Yes. I believe, from the tone of these questions, that

staff was somewhat critical of the program.

But I have to tell you that I came into the Federal Government through such a program and—actually, this was called a financial management grant program. I was a stockbroker on Wall Street and probably would be still making lots of money and spending my afternoons on the golf course, but they picked 11 of us. They gave us a small salary, and we went through an intensive graduate school program for a year and then, in return, we had to work for the Federal Government for a few years.

And right after we were chosen—I was in the first class, the Congress, probably prodded by some equally probing questions, decided that this was the worst boundoggle in the history of the Federal Government, and so they killed the whole program, which was a mistake, because the people that came in under it would not have otherwise. I could go down the list of what they are doing now, but they are actually making a fair contribution with the exception of myself, which is, I am sure, questionable.

But I support that program. And so I am glad that staff raised it to my attention, and I hope that you will continue to keep it in the

budget for the Justice Department. That is excellent.

I don't think I will get into the Radiation Exposure Compensation or the Legal Activities Office Automation. I know that you are proceeding with the automation, although under budgetary constraints. There was a good budget question—having served as a staff member on the Senate Appropriations Committee, thanks to that program, this is the kind of question we would have liked our Members to ask.

OFFICE AUTOMATION

You asked for an increase from \$35 million to \$50 million in the appropriation language for office automation, and yet there is no program increase for that \$15 million in your budget request. What are you doing, catching up?

Mr. Roper, I guess you would probably be the one to answer that. Mr. Roper. The language itself states not to exceed \$50 million. \$50 million, in essence, was at one time our request for 1994. And, because the language is such that it does not require you to appropriate exactly \$50 million, it says not to exceed, the language was left in. This gives the GLA—the General Legal Activities—appropriation the opportunity that should there be some savings, we could——

Mr. Moran. Or attrition.

Mr. ROPER. Right, then we could apply some savings into that office automation program during the year, beyond the \$27-plus million that we are requesting as the direct appropriation.

Mr. Moran. It would seem that that office automation is a good

use of money.

Mr. ROPER. I think, as Mr. Paup said, it has been one of the things that is allowing us to live today with these reduced staffing levels.

Mr. Moran. It is achieving substantial efficiency.

Mr. ROPER. At the time we sought the office automated systems that have already been funded, they were looking at a 12 to 20 percent productivity increase based on those new systems. Some of those have occurred. We have increased work output with the existing staff.

Mr. Moran. So you are going to try to continue the automation?

Mr. ROPER. There will be an upgrade to that system.

Mr. Paup. We are now in the process of trying to arrange for the next generation of equipment.

Let me put in another plug for this office automation.

I was thinking the other day about the amount of time saved because I can now just transmit messages over a computer instead of playing telephone tag endlessly. This probably adds up to a workday a week because I spend a lot of time on the telephone. Now I can just say, please do this or do you have an answer to that? I send it via the computer, and I will get an answer back without trading pink or yellow telephone slips for half a day trying to contact the person I want to talk to.

Mr. Moran. I still can't figure out how to use all that gadgetry,

but I am sure those who do figure it out save a lot of money.

Mr. Rogers, do you have some questions? You look a little cynical there.

REPROGRAMMING FOR HONOR LAW GRADUATE PROGRAM

Mr. ROGERS. Well, I hate to interrupt this honorous law graduate reunion, but after all, some of us just came up through the ranks.

Now, seriously—a little bit seriously—back on the law graduate program, the reason that staff wanted us to bring this up—

Mr. Moran. He prefers to go by Crack Staff.

Mr. Rogers. Was that last year the Committee was presented with an after-the-fact, fait accompli on funding for that program. Prior approval for the funding was not sought from the Committee, either in your budget request or in the reprogramming request, and had we been notified for—well, the only reason it was—the Committee probably did not approve the reprogramming of funds, but for the fact that there were people already accepted in the program.

So I guess what we are looking for is some assurance that you will seek prior approval from the Committee before you reprogram again.

Mr. ROPER. I don't want to take away from his answer. I will be the one to take the responsibility for the reason that it was not up here prior to that.

There were circumstances—we always try to notify the Committee ahead of time, especially if we are notified ourselves ahead of

time by the organizations.

That was not the situation in this particular case. The Tax Division should not be on the hook. They notified the Department months in advance about the likely budget scenario they were looking at. They told us they would not be able to afford to pay for—I think it was around 27 or 28 honor law graduates to whom they had made a commitment.

But, remember, Mr. Paup said the commitment is made almost a year ahead of time. So letters had gone out. People were making

their plans to move to Washington.

They brought this to the Department's attention. The Department went all the way to the Department's policy level, at that time, the Deputy Attorney General. We met last summer and raised the issue of Tax backing out of the Honor Law Program for this year. The decision was made at the Deputy Attorney General level that, given the quality of people that were coming into the Honor Law Graduate Program were extremely high quality, particularly the class that came in in 1993 and probably the class coming in next year. They decided to find the money. We had to find a way to fund this program then, after the fact, once we knew what the appropriation was going to be.

Mr. Rogers. We have devoted plenty of time to it, but I just

wanted to make sure that next time we know in advance.

Mr. ROPER. We will certainly try, sir.

RADIATION EXPOSURE COMPENSATION TRUST FUND

Mr. Rogers. Let me ask briefly and quickly about the Radiation Exposure Compensation fund. Through the end of 1993, what is the total number of claims you will have received? How many will be approved and how much compensation will you pay out through the end of this year?

Mr. PAUP. If you don't mind, I will ask Helene Goldberg, who is the Director of the Torts Branch in the Civil Division and directly responsible for that program, to address your question, Congressman.

Ms. Goldberg. Yes, sir. My name is Helene Goldberg.

We currently have received 2,757 claims total. Of these, roughly 1,900 will be approved before the end of fiscal year 1993.

Mr. Rogers. How much money will remain in the fund at the

end of this year?

Ms. Goldberg. Sir, what we have seen occurring is that claims have not come in at the pace that we estimated, particularly with regard to the on-site participant claims. The claims have simply not lived up to our estimates. So we are expecting a substantial surplus in the fund at the end of fiscal year 1993. Our best estimate at this point is that it would be—well, we really are not in a position to estimate at this point, but we know that we have received substantially fewer claims than we anticipated.

Mr. Rogers. How come?

Ms. Goldberg. Primarily, I think because the veterans have determined that the benefits that are available to them under Public Law 100-321 are better for them. That law provides a stream of benefits. This Radiation Act requires that any benefits obtained under that law be offset against benefits obtained under this Act. I think people have simply made a judgment that they are better off with the stream of payments than with a lump-sum offset payment.

REDUCED NEED FOR RADIATION EXPOSURE FUNDING

Mr. Rogers. Then you won't need the \$75 million that you requested for 1994?

Ms. Goldberg. I don't anticipate that we will need that.

Mr. Rogers. How much of it will you need, if any?

Mr. PAUP. We are currently attempting to come up with a pre-

cise number, as I understand it.

Mr. ROPER. We have gotten information as recently, at my level, as yesterday, that it is very possible we may need none of the \$75 million that is requested in there.

Mr. Rogers. Don't let that out. The U.S. Attorneys or the U.S.

Marshals are going to be after you.

Mr. Moran. We can put a little of it into the Tax Division, maybe?

Mr. Rogers. Yes. Or the Legal Scholars Fund we have to keep up.

Mr. Moran. No, no, no. Let's not go overboard. Mr. Rogers. Well, when could you let us know-

Mr. Moran. Too many lawyers in this country.

Mr. ROPER. We are going to verify it with the Civil Division. We have asked to try to verify it in writing, and you will know before markup.

Mr. Rogers. Good. Thank you. Well, at least we got one piece of good news today.

Mr. Moran. Yes.

BUDGET REQUEST TO THE OFFICE OF MANAGEMENT AND BUDGET

Mr. Rogers. Now, let me ask you, what was your total request of OMB all total, for these three accounts?

Mr. Paup. For GLA, our request of OMB was \$560,278,000. And I

am sorry I do not have the information.

Mr. ROPER. I believe the request for Radiation was as you see it here in the budget. The request for Civil Liberties-I believe we went with \$150 million, which was the remaining authorization level in the earliest request to OMB.

Mr. PAUP. Although, as we indicated earlier, we think \$100 mil-

lion will be sufficient.

Mr. ROGERS. Your request for GLA was \$560 million and you only got \$408 million. That is a pretty severe blow.

Mr. PAUP. We had requested some substantial increases. Mr. Rogers. What is the current level, this year's level?

Mr. PAUP. This year's level? \$396.3 million, and we are asking for \$12 million more in 1994.

Mr. Rogers. What in your request of \$560 million was denied? Mr. PAUP. Well, the Tax Division requested approximately \$14 million more than our current budget request contemplates. I can run the comparisons here if you will give me a half a second.

Let me see. Go to the big accounts. For the Criminal Division, the request to OMB was \$107.5 million. The current budget request is \$75.7 million. For the Civil Division, the OMB request was \$153 million. The current budget request is \$118 million. So there is a difference of some \$35 million. The Environment and Natural Resources Division request to, OMB was \$78,896,000. The current budget request is \$53,364,000. So there were large increases requested across the whole of the GLA account in the OMB request.

Mr. ROPER. I would only say, Mr. Rogers, much of that request to the administration—and this is the previous Administration's request—was trying to recapture again the funds that had been requested in the 1993 level, but were not allowed.

The General Legal Activities appropriation over the last two fiscal years has, essentially, received no major program increases. The only areas it has were for the ADA program primarily and some for the Radiation Exposure, but that has been more of a reimbursable type of activity. So GLA has had very few increases over the last two years, and that original 1994 request was trying to recoup some of those losses.

Mr. Rogers. Okay. Thank you very much.

Mr. Moran. Thank you for those additional questions, Mr. Rogers.

If we were to take out that \$75 million, that doesn't disband the program, though, does it?

Ms. Goldberg. No, sir.

Mr. Moran. That is only the additional money you were going to

request in fiscal year 1994?

Ms. Goldberg. That is correct. We believe that there is sufficient money in the fund now to fund all of the 1994 claims that are valid.

Mr. Moran. All right. Well, that is something that the subcommittee will discuss further with the Department of Justice. Thank you, Mr. Paup.
Mr. Paup. Thank you very much.
[The following questions were submitted to be answered for the record.]

record:]

QUESTIONS SUBMITTED BY CONGRESSMAN NEAL SMITH

General Legal Activities

Honor Law Graduate Program

QUESTION: Would you describe your Honor Law Graduate Program to include what benefits the Department derives from it?

ANSWER: The Honor Law Graduate Program, or Attorney General's Honor Program (hereafter referred to as the Honor Program), is considered the Nation's premier entry-level attorney recruitment program. Top law school graduates and Judicial Law Clerks nationwide consistently apply and are hired under the Honor Program each year. The Honor Program affords the Department the ability to compete with the Nation's largest law firms, who pay far more to attract the "best and brightest" law graduates. The attorneys hired under the Honor Program play an important role in fulfilling the Attorney General's goal of excellence and diversity in the Department's legal workforce.

The caliber of those hired under the Honor Program is outstanding. The following are statistics for the 1992-1993 Honor Program (attorneys who will enter on duty in FY 1994):

- Over 57 percent were in at least the top one-third of their class;
- . Over 67 percent participated in law review; and
- . Nearly 41 percent are serving in judicial law clerk ships.

Additionally, the diversity of those hired under the Honor Program is excellent. For the 1992-1993 Honor Program:

- . Minority hires represent 27.1 percent (40) of the total hired (147).
- This minority representation was significantly higher than the total J.D. minority law student population (16.6 percent). For the past five years under the Honor Program, the Department has hired a higher percentage of minorities than the total J.D. minority enrollment.

The Honor Program is national in scope. The Department of Justice recruits and hires from all 176 American Bar Association-accredited law schools throughout the Nation. Each year, the Department sends Honor Program applications and other recruitment materials to those law schools, as well as: the chambers of all Federal judges; State supreme courts; State court administrative offices; all law student and legal minority associations; and associations for disabled attorneys of which we are aware.

The Honor Program also results in cost savings to the Department. The Honor Program is an entry-level program; therefore, the Department gets "more bang for the recruiting buck" by hiring entry level attorneys (most at the GS-11, GS-12 levels) rather than far more costly experienced attorneys.

QUESTION: It was always my understanding that the Department never had a lot of difficulty in obtaining the best and brightest of the law school graduates. Why do you believe you need this incentive?

ANSWER: It is precisely because of the Honor Program that the Department can obtain the cream of the graduates. The Honor Program is a centralized program which, each year, gives the Department a huge influx of applications from extremely well-qualified applicants (4,109 for the 1992-1993 Honor Program) who are interviewed and hired within a finite time frame. Hiring is done within the same time frame as our major competitor for the Nation's top applicants - large law firms. The important legal work of the Department demands nothing less than a steady influx of the brightest law graduates available.

The alternative to the centralized Honor Program is ad hoc hiring, which is far less effective and economical. The caliber of those hired would be spotty - not the "best and brightest." Also, with decentralized, ad hoc hiring it would be far more difficult to have readily available a diverse pool of applicants, representing all minority/disabled groups.

QUESTION: Are you interested in having quality attorneys who stay with the Department over a long career? What is the average years of service of attorneys hired under this program compared to standard hiring practices?

ANSWER: Yes, the Department is interested in having quality attorneys stay with the Department for a long career. The Office of Attorney Personnel Management (OAPM), which administers the Honor Program, does not have the resources to track this data; however, we do know that many Honor Program hires do remain with the Department. Some of the Department's highest level officials were hired through the Honor Program and have spent their careers here. At the other end of the spectrum, some of the Honor Program attorneys stay for a period of three to five years, and then capitalize on the experience they have obtained here by moving on to the more lucrative settings (typically private firms).

QUESTION: Do you have plans to utilise the Honors Program in 1994, and if so how much have you requested?

ANSWER: Yes, the Honor Program will continue in FY 1994. The majority of the attorneys hired under the 1992-1993 Honor Program are spring 1993 J.D. graduates and Judicial Law Clerks whose clerkships will end in autumn 1993. The

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majority of these attorneys will enter on duty after the beginning of 1994. Hiring figures and costs indicated below are for this group of Honor Program attorneys.

The Department hired 147 attorneys total for the 1992-1993 Honor Program. The organizational breakdown follows: (Note: The figures indicated below are as of April 1, 1993, the date the 1992-1993 Honor Program's statistical reports were prepared. There may have been an additional offer or two or withdrawal since that time.)

- . Antitrust Division 6
- . Civil Division 23
- . Civil Rights Division 19
- . Criminal Division 7
- . Environment and Natural Resources Division 25
- . Tax Division 4
- . Immigration & Naturalization Service 15
- . U.S. Trustees 17
- . Executive Office for Immigration Review 16
- . Bureau of Prisons 12
- . Office of Policy & Development 1
- . Drug Enforcement Administration 2

Salaries plus benefits for 147 Honor Program hires are estimated at \$6,614,109 (80 GS-11s at \$33,623 each; 51 GS-12s at \$40,298 each; 16 GS-13s at \$47,920 each; and approximately 20 percent of the salary rates for benefits).

Office of Attorney Personnel Management (OAPM) recurring program costs for the 1992-1993 Honor Program:

•	Database management contract costs -	\$135,000
•	Legal Activities book -	\$49,000
•	Honor Program applications -	\$4,000
•	OAPM Recruitment travel -	\$13,500

. Interview site coordinators' travel -

\$12,500

Salaries plus benefits of 3 OAPM staffers involved in HP administration (2 full salaries, one-half salary of third staffer) -

\$141,452

Total OAPM recurring costs:

\$355,452

Total salaries plus benefits of 147 attorneys -

\$6,614,109

Total

\$6,969,561

A Committee of the State of the State

The participating organizations are in the process of determining their requirements for the 1993-1994 Honor Program recruitment effort (these attorneys will be recruited in 1993 and 1994 to begin work in the summer and fall of 1994). The exact numbers of attorneys that will be offered positions is not known at this time, but we know that there will be a substantial reduction in the number of positions available. We currently estimate that fewer than 100 attorneys will be hired through the 1993-1994 Honor Program.

Legal Activities Office Automation

QUESTION: How much have you requested in 1994 for Legal Activities Office Automation, and how much of that is to fund existing systems and how much for modernisation?

ANSWER: For 1994, the Department is requesting \$28.016 million for the Legal Activities Office Automation program. The most significant portion of this request (\$14.516 million) is required to pay contract management and lease/maintenance costs associated with EAGLE systems installed within the 1991-1994 time frame. The current schedule calls for award of the JCON contract in the third quarter of 1994. To cover the costs of the JCON acquisition itself and to satisfy the minimum contract guarantee, \$4.6 million is required. The remaining \$8.9 million is required for upgrading aging EAGLE and AMICUS systems in preparation for JCON implementation — by replacing dumb terminals with PCs (\$2.3 million), replacing obsolete network cabling with standards-based cable plants (\$1.1 million), upgrading PC and server security (\$1.1 million), and transforming server and network software to comply with government open systems standards (\$4.4 million).

QUESTION: For the record, provide us with a timetable for development and acquisition of this new system, including the cost per year for each phase until it is fully implemented.

ANSWER: The JCON Request for Proposals will be released in June 1993. Contract award is currently scheduled for June 1994, with first deliveries expected in September 1994.

On the basis of this award schedule and the Delegation of Procurement Authority (DPA) received from the General Services Administration, the maximum total cost per year (from all sources, not only the LAOA program activity) would be as follows:

1994	\$4.6	million
1995		million
1996	\$145.0	million
1997	\$106.4	million
1998	\$85.2	million
1999	\$70.4	million
2000	\$110.2	million
2001	\$141.6	million

Please note that this schedule includes the required ten percent allowance for other Federal agencies and is the maximum allowed by the DPA. Amounts shown for 2000 and 2001 include allowances for technical refreshment and for followon commodity buys for PCs and printers.

However, given the amounts expected to be requested for these functions in the Clinton Administration budget, we would anticipate that actual obligations and outlays would be far lower, totalling as little as \$393.2 million over the seven-year contract life. Again, this amount includes funding from all sources (not just LAOA). It also includes a 10 percent set-aside for other Federal agencies, and provides for technology refreshments in 2000 and 2001.

1994	\$4.6	million
1995	\$34.2	million
1996	\$91.4	million
1997	\$52.4	million
1998	\$41.7	million
1999	\$38.7	million
2000	\$53.2	million
2001	\$77.0	million

Americans With Disabilities Act

QUESTION: What is the status of your efforts to implement Justice Department responsibilities under the Americans with Disabilities Act (ADA)?

Answer: The Civil Rights Division has major responsibility for the enforcement of the Americans with Disabilities Act, a landmark civil rights law that guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

The Division established a new office, the Office on the Americans with Disabilities Act (now the Public Access Section), which, along with the Coordination and Review Section and the Employment Litigation Section, is responsible for carrying out the Department's myriad of ADA duties.

Since the January 26, 1992, effective date, the Division has assumed responsibility for enforcing titles II and III of the ADA. Under title II, the Division's Coordination and Review Section receives and investigates complaints alleging discrimination against State and local governments. In addition, the Section coordinates the ADA complaint investigations of eight Federal agencies. Employment complaints against State and local governments under title I of the ADA, which went into effect on July 26, 1992, are handled by the Division through its Employment Litigation Section. Several investigations under its pattern or practice authority already have been initiated. Under title III, the Public Access Section receives and investigates complaints alleging discrimination by public accommodations and commercial facilities. The Public Access Section handles the Division's ADA litigation responsibilities under both title II and title III.

Since the effective date of the ADA, the Division has received over 2,500 complaints of discrimination. Complaints are being received at the rate of over 25 each week. These complaints come from all parts of the country and raise a wide variety of ADA issues, particularly the removal of architectural barriers in existing buildings. By emphasizing education and negotiation, the Division thus far has been able to obtain significant relief without the need for litigation and, to date, we have had to file only one lawsuit.

The Division has also been active in monitoring judicial interpretation of the ADA. Three amicus briefs have been filed to guide courts in appropriately applying the new law.

In addition, the Division conducts an extensive program of technical assistance to promote voluntary compliance. As part of this outreach and public education effort, the Civil Rights Division:

- Awarded grants of over \$3.4 million to 19 business and advocacy groups for projects designed to educate persons with disabilities and covered entities about their rights and responsibilities under the ADA.
- . Issued two technical assistance manuals, providing guidance in lay terms about what the ADA means for public accommodations and State and local governments, and giving answers to common questions.
- Operates a telephone information line for answering requests for information and questions. Each week the Division receives over 1,500 calls on this line.
- . Notified almost 6 million businesses of the ADA's requirements through an Internal Revenue Service mailing in the summer of 1991.

- Operates a speakers bureau that provides expert speakers nationwide. In 1992, Division speakers appeared before more than 150 conferences nationwide attended by over 19,000 persons.
- Provided over 2 million documents to the public, including copies of the regulations, fact sheets, a questions and answers booklet, and an ADA Handbook.
- Answered a large volume of requests for policy information on the ADA relating the ADA's requirements to specific situations.
- . Coordinates the efforts of other Federal agencies with ADA responsibilities to ensure that the government-wide response to the ADA is effective and uniform.

Finally, the Civil Rights Division has begun to implement the ADA's responsibilities for the certification of State and local building codes to determine whether these codes meet or exceed the ADA Accessibility Guidelines. We have sought out the organizations responsible for model building codes to help ensure that their standards will meet the Federal accessibility requirements.

During the current year, we expect to award \$2.5 million in technical assistance grants under the ADA. We also expect to propose and file a number of additional ADA title III lawsuits.

QUESTION: Are you experiencing a burgeoning workload as individuals learn more about their rights under the Act?

Answer: The main workload issue on the ADA since the law became effective has been volume. The Division has literally been inundated with demands for action on its ADA statutory responsibilities. For example:

- . The Division has received over 2,500 complaints of discrimination under title II (State and local governments) and title III (places of public accommodation and commercial facilities).
- The demand for information on what the ADA means has also swamped the Division's technical assistance efforts. For example, telephone information lines established to answer questions have been overwhelmed, averaging over 1,500 calls each week, at times receiving as many as 3,500 calls per week. The Division has distributed over two million documents and the Public Access Section continues to respond to hundreds of requests for information. In addition, the Section has a backlog of requests seeking in-depth guidance on important issues not fully addressed in the law's implementing regulations.

QUESTION: Have any trends developed as to major problem areas requiring your attention?

Answer: One disturbing trend that has come to our attention is a decline in voluntary compliance among places of public accommodation. The Department is now receiving complaints that allege that when individuals with disabilities have asked places of public accommodation to comply with title III of the ADA, they have been informed that the public accommodation has no plans to comply unless it is sued.

Office of Special Counsel

QUESTION: \$3 million has been transferred in each of the past two years to the Office of Special Counsel to provide more extensive public education against employer discrimination. Do you believe this expenditure of funds has been worthwhile and has it produced results?

ANSWER: The Office of Special Counsel (OSC) believes that the expenditure of these funds has been very helpful in meeting its public education responsibilities. The disbursement of this money in the form of grants for outreach to community-based organizations and other non-profit entities has permitted OSC to leverage limited resources in a manner that promotes the effective communication of the Immigration Control and Reform Act's (IRCA) anti-discrimination message.

The constituency most affected by the practices that OSC is responsible for prosecuting, primarily immigrants and ethnic minorities, is one that is difficult to reach due to linguistic and cultural barriers. In addition, some come from countries where their experience has led them to be wary of government. Community-based organizations have the credibility, knowledge and access that is essential to reach the target population. Other non-profit entities, such as employer associations, offer an established network through which businesses can be educated to avoid discriminatory practices.

Utilizing community-based organizations and other non-profit entities as conduits for information relating to IRCA-related discrimination is not only a more effective means of communicating the message to the intended target, but also promotes the development of an ongoing partnership that ensures that the benefits of the outreach effort outlast the particular campaign being funded by the grant.

In 1992, OSC awarded \$3,005,795 to 22 organizations located in nine States and the District of Columbia. Four of the organizations are carrying out educational programs that are national, regional or statewide in scope.

A wealth of educational materials has been produced through 1992 grants and through the efforts of earlier grantees, which have been utilized by other organizations. For example, an information packet produced by the Ohio Restaurant Association on IRCA-related discrimination has reached far beyond Ohio and into organizations outside the restaurant industry. The Kansas, Missouri, North Carolina and Tennessee restaurant associations have used the materials, as have Long John Silver's, Inc., and Dairy Queen's largest franchisee, Druther's Systems, Inc. Packets were made available to all Service Corps of Retired Executives (SCORE) chapters located in the United States, Guam, Fuerto Rico, and the Virgin Islands. SCORE provides service to small business owners.

The National Immigration Law Center's (NILC) grant is an example of one with nationwide scope. NILC's primary goal is to increase knowledge among affected workers and advocates and attorneys who serve them regarding what constitutes illegal discrimination and how to combat it. secondary objective, in part, is to educate employers about their responsibilities. NILC has produced over 375,000 brochures and 22,500 posters in 15 languages directed to potential victims, that are widely reproduced by other advocacy groups. It has produced and distributed comprehensive legal manuals and updates on IRCA's anti-discrimination provision and related case law. Moreover, it has conducted 42 training sessions for advocates and attorneys nationwide and distributed 300 video tapes in English and Spanish. Finally, NILC is producing 25,000 brochures and 1,000 posters on the theme "The Face of American Business Is Changing, " specifically aimed at communicating the antidiscrimination message to employers.

Since IRCA's passage, commentators have recognized that educating potential victims of discrimination about their rights and responsibilities under IRCA is essential to having a viable employer sanctions program that did not result in discrimination. In March 1990, GAO issued its report entitled Immigration Reform - Employer Sanctions and the Ouestion of Discrimination finding that IRCA's employer sanctions provisions resulted in a widespread pattern of discrimination. GAO noted that its surveys indicated that while there had been a slight increase in the number of employers who were aware of IRCA, there had been a significant decrease in the percentage of employers who said that they understood IRCA's major provisions.

OSC is currently the only Federal entity that is systematically educating potential victims of discrimination about their rights under IRCA. It is also playing a major role in educating employers about how to comply with IRCA's antidiscrimination provision. The money that has been transferred to OSC during the past two years has been a productive investment that has substantially assisted the Office in discharging its public education duties.

QUESTION: I understand that only \$900 thousand is available for transfer for these education grants in 1994. Do you believe the goals of this program can still be met at this lower funding level?

ANSWER: The reduction of OSC's grant program from a funding level of \$3,000,000 to \$900,000, a 70-percent reduction, will affect the amount of public educational activities that can be provided. OSC will curtail its employer education efforts and concentrate solely on outreach efforts to potential victims, the latter being the principal constituents of OSC's mission. The full impact of the cutback would not likely be felt until 1995, due to the residual effect of past and present grants.

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ANTITRUST DIVISION

WITNESSES

JOHN W. CLARK, ACTING ASSISTANT ATTORNEY GENERAL, ANTITRUST DIVISION

NEIL E. ROBERTS, CHIEF, LEGAL POLICY SECTION, ANTITRUST DIVISION STEPHEN R. COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, JUSTICE MANAGEMENT DIVISION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROL-LER, JUSTICE MANAGEMENT DIVISION

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF, JUSTICE MANAGEMENT DIVISION

Mr. Moran. We will now hear testimony on the Antitrust Division, which requests total new budgetary authority of \$62,092,000 for fiscal year 1994, of which \$17,275,000 will be derived from offsetting fee collections, which is an excellent idea. We will insert in the record at this point the Antitrust Division's fiscal year 1994 budget justification.

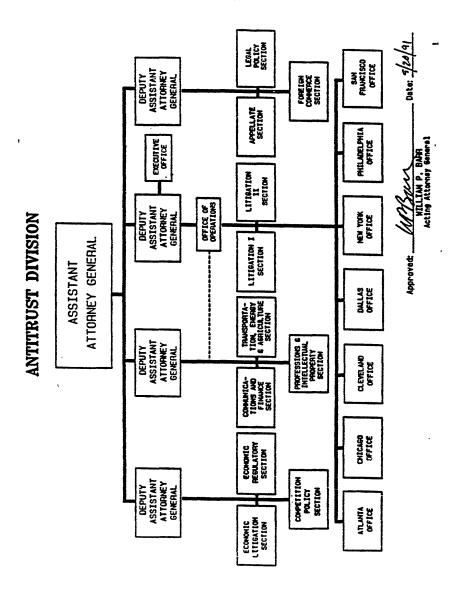
[The justification follows:]

(783)

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Department of Justice Antitrust Division Estimates for Fiscal Year 1994 Table of Contents

- 	•6.	Organizational Chart Summary Statement Justification of Proposed Changes in Appropriation Language Crosswalk of 1993 Changes Summary of Resources by Program Summary of Resources by Program Justification and Personation of Private Cartel Behavior Termination and Patellitive Mankes Structure Termination of Multi-Activity Program Changes Competition Administration Justification of Multi-Activity Program Changes Summary of Changes Justification of Adjustments to Base



For 1994, the Antitrust Division is requesting 62) positions, 399 workpasts, and \$44.817.000 in direct appropriation authority. This preparests in the creases of \$9 inclines and decrease of \$9 colliders and allocate propriation and decrease of \$9 colliders and antitrust dividing has been from the necessary of \$191.000 to an antitrust dividing has been from the necessary and indirect funding from filling fees required to be set to be a set to a set to a separation of the company of the control of the company of

The Division continues to pursue an active, vigorous from those that threaten campetition and American conscined competitive, creating substantial improvements a Frequently the markets in which U.S. companies comparins face

44.

The Division's merger analysis is based upon a thorough understanding of the markets in which the merging companies operate and the full nature of competition in those markets. For sany markets, a quick review results that will have no significant competitive investigation market shall be conducted to determine whether the effect of the marger will be to reduce competition. Although marger filling have dropped since 1900, the decline appears to be due to deser-financial mergers, owing to failures in the junk bond market and tighteening in other financial seconds. Strategic mergers, acquistion designed to increase consequences, continue at high levels.

Fast-moving global developments require the Division to assist the Department and other government apencies in shaping U.S. intermational economic policy. The Division's efforts had not adopted U.S. economic international scored profice and enforcement structures. Repositations and the state Structural impediations of a first shaping used to encourage and assist other nations, adopting fore-market economic policy. The Division is effort and to encourage and assist other nations of the policy fisuses are occurring with increasing frequency and play an important role in developing a global economy that is free after to policy fisuse are occurring with increasing frequency and play an important role in developing a global economy that is free after the first former Soviet Union, and Latin America continue to require the Division's bard competitions and role of partners. An internate and competition and thus to import competitions and thus to import competitions for the Division is included and competition and role of proposed regulations and the relation of the Division participates and acceptition and thus to import competition and thus to import competition and thus to import operations of the Division participates and stored regulations and the present and competition and thus to import operations of procompetitive market from the division present of procompetiti

Salaries and Expenses Antitrust Division

Justification of Proposed Changes in Appropriation Language

The 1984 budget estimates include proposed changes in appropriation language listed below. New language is underscored, and deleted material is enclosed in brackets.

Salaries and Expenses, Antitrust Division

Explanation of Change:

Anticipated filing fee reliance is increased from \$16,900,000 in 1993 to \$17,275,000 in 1994.

Three changes are proposed to update the provisions of the 1993 Appropriations Act an additional year so that the necessary authorities remain intact.

Any fees received in excess of \$17,275,000 in 1994 shall become available in 1995.

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Antitrust Division Salaries and Expenses Crosswalk of 1993 Changes

	88	3 Pre-	1993 President's Budget Request	5₹ ≃	Congressions Appropriatio Action on 1993 Request	Congressional Appropriation Action on 1993 Request	e e	Adjustments nament Posit	Adjustments Permanent Positions and Workvears		1993 Reprogramming Request	and ng		1993 Anticipated	ated
Direct Authority Activity/Program	20	≩	Ant	202	≩	¥	Pos	Š	Ē	2	ł	¥	2	₹	Ant
Enforcement of antitrust and kindred laws:															
Federal appellate activity	9	2	\$1,582	:	:	99	:	:	:	:	:	÷	2	2	\$1,522
private cartel behavior 247		223	23,593	:	:	-882	4	٣	÷	:	:	:	24	224	22,711
Market structure	8	x	14,030	Ŗ	ģ	-7,764	:	7	÷	:	÷	:	€	2	6,266
Folicy analysis, legislation and training	62	5	6,146	:	:	-239	7	7	:	:	:	:	9	8	5,907
Competition advocacy program Management and administration		82	3,356 5,420	: ٦	7 :	-283 -273	:7	:7	::	: :	::	::	28	**	3,073 5,147
Total 532	232	208	54, 127	9	-52	-9,501	5	۴	1:	1:	1:	1:	18	5	44,626
	1989 1989	Pres	1993 President's Budget Request	S ₹ 2	Congressional Appropriation Action on 1993 Request	ional ation on uest	Š	Adiustments	ents	2	1993 Reprograming Request	6 ye	8	1993 Appropriation	et ion_
Activity/Program	Pos	¥i	ŧ	203	Š	A	2	Š	Ĭ	20	¥	Ĭ	Pos	¥	Ĭ
Enforcement of antitrust and kindred laws:															
Preservation of competitive market structure	101	8	10,000	\$	\$	9,900	:	:	:	:	:	÷	35	₹	16,900
Gross budget authority 639		8	64,127	?	"	-2,601	۱۴	۴	1 :	1 :	1 :	1 :	622	28	61,526

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Antitrust Division Salariss and Expenses Summary of Regulements (Dollars in thousands)

Adjustments to base:										Pera.	Vork-	Amount
1993 Appropriation (as Enacted). 1993 permanent position and workyear reduction.). morkyear	reduc	169							£4	² ልፊ	\$44 ,626
1993 Appropriation anticipated. Transfers form the Working Capital Fund.	spitel F	ş								198 198	13	44,628 266
Mandatory increases. Conversion of Mart-Scott-Rodino funded positions to direct Decreases (FTS savings).	no fund	sod pe	tions to	direct.							:₹:	6.4. 6.6.
1994 Base. Savings to achieve deficit reduction targets	duction	target								-23	5 8	52,603
1994 Baseline.		:					:	:	:	3	3	45,513
	1983	Approp	1993 Appropriation Anticipated		1994 Baseline	eline	18	1994 Estimate	416	Incre	Increase/Decrease	1454
Estimates by budget activity	į	덫	Amount	9	X	Amount		₹	Amount	į	¥	Amount
Direct Authority: Federal appellate activity.	2	2	\$1,522	2	52	\$1,563	91	2	\$1,563	:	:	:
TOTAL CATA DEPAY OF TOTAL OF T	7	724	22,711	77	502	23,494	24	8	23,106	ņ	÷	-\$388
	ş	3	6,266	7	8	6,177	7	8	6,100	7	7	<i>11-</i>
Concettion evocates program Management and administration fotal direct budget authority	2 %	ឧងដនិ	8,5,44 5,65,45 5,65 5,6	<u>e¥%</u> ই	2 × 9 5	5,029 3,106 5,144 45,513	8492	2888	5,952 3,029 4,817	र _: ग॰	7778	::::::::::::::::::::::::::::::::::::::
Indirect authority - Filing Fees Preservation of competitive market atructure	78	3	16,900	159	151	17,275	159	151	17,275	:	:	:
Gross budget authority	223	298	975'19	229	529	62,788	919	25	260,29	۱۴	1	8694

Antitrust Vivision Salaries and Expenses Summary of Resources by Program (Onlare in thousands)

	1992	2 Appropria	1992 Appropriation as Enacted	138	1992 Actual	len	1993 A	Appropriat Anticipated	993 Appropriation Anticipated	8	Base	1994 Baseline	188	5118	1994 Estimate		Increase/ Decrease	
Estimates by Program	P05.	Š	A t	Pos.	≩	Amt	P05.	¥	Just	Pos	≩i	¥.	Pos.	봌	Amt	ğ	\$	Ant.
Direct authority:																		
Federal appellate activity.	92	91	\$1,422	9	92	\$1,422	2	91	\$1,522	92	15	\$1,563	91	2	\$1,563	:	:	÷
prevention of private cartel behavior	248	225	22,543	183	212	22,322	244	224	22,711	24	202	23,494	241	200	23, 106	7	ş	-\$388
competitive market structure Policy analysis.	8	8	7,826	8	8	7,826	₹.	1	6,266	24	35	6,177	7	¥	6,100	7	7	<u>r-</u>
training.	62	8	5,521	9	8	5,521	5	8	5,907	19	55	6,029	9	3	5,952	7	7	-11
program	£	Ž	2,872	*	ž	2,872	æ	34	3,073	ž	3	3,106	7	8	3,029	÷	7	-11
administration	75	13	4.810	75	77	4.810	98	77	5,147	8	79	5,144	53	38	270075	7	ন	ır-
authority	411	3 2	44,994	412	445	44,773	466	\$	44,626	463	4 08	45,513	457	38	44,817	۴	٩	969
Indirect Authority Reimbursements:																		
Preservation of competitive market structure	52	3	13,500	151	3	13,822	156	2	16,900	159	15	17,275	159	5	372,71	:	:	:
Gross budget authority	628	1 2	58,494	1 58	88	58,595	622	88	61,526		559	62,788	919	1 %	62,092	۲۱	*	% %
Other Workyears, Direct Authority; Overtime/Other,.		ĸn			so.			5 0			•			s			÷	
Other Workyears, Indirect Authority: Overtime/Other. Total compensable workyears		7 §		. 4	7 %			e 98			6 13		, 10	228			19	

Antitrust Division Salaries and Expenses Base Comparison

	. S	Scien	993 Appropriation Anticipated	8	1994 Base		8	8	eline		Pase/De	STRAIG
Estimates by Program	Post. MY	Ħ	Ant.	8	¥		3	₹.	Pos. W. Amt.		¥	Pos. VY Amt.
Direct authority:												
Federal appellate activity.	9	9	\$1,522	9	2	\$1,622		16 15	\$1,563	:	7	-\$5
Cartel behavior	244	224	22.711	244	224	24.624	7	205	23.494	;	2	-1.130
Preservation of competitive market structure	4:	1:	9,266	\$	3	308	3	8	6,177	-57	<u>ب</u>	-5,131
Competition advocacy program	2	32	3.073	<u>- 4</u>	37	3.284	2	32	30,029	: :	ů.	<u> </u>
Management and administration	প্রক্র	4 3	5.14	88	22	5.58 2.68 2.68	প্রই	98	5.514 5.513	#	4	7.00
Indirect Authority												
Preservation of competitive market structure	ž	3	16,900	132	721	12,500	159	5	17,275	27	23	4,775
Gross budget authority	229	25	61,526	229	298	65,105	229	559	62,788	1:	F	-2,317

The FY 1994 Baseline presents the Division with a net reduction of 39 workysars and \$2,317,000 compared to the FY 1994 base level. Cost absorptions will be addressed through employee attrition, "early-out" retirements, and operating cost reductions.

ANTIFICIAL PUNISON Salaries and expenses Justification of Program and Performance Attivity Mesource Summary Antivity Contamonal

1994 Estimate Decrease/	Amt. Pos. W Amt.	\$1,563	241 200 23,106 -3 -5 -\$388	1 34 6,100 -1 -1 -1	5,952 -1 -1 -77 3,0291 -1 -77 5,067 -1 -1 -17 44,817 -5 -9 -696
13	¥	72	8	¥	2888
100	2	9	241	4	3425
1994 Baseline	MY Amt.	16 15 \$1,563 16 15 \$1,563	23,494	6,177	6,029 3,106 5,513
Base		5	202	33	25 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
199	Pos	92	244	24	<u>ଅଧିକ୍ର</u>
1993 Appropriation Anticipated	Ant	16 16 \$1,522	244 224 22,711	6,266	5,907 3,073 5,147 44,626
Appro	≩	9	224	5	3¥5
1993	100	2	244	€	2488
Activity: Enforcement of antitrust and kindred laws	Direct authority;	Federal appellate activity	private cartel behavior	Market africture	and fraining. Competition advocacy program. Anagement and administration.

The resources identified above are exclusive of filing fees collected pursuant to Public Law 102-395 used in support of the Competitive Market Structure Program. Resources of the Antitrust Division are used for the mission of protecting and promoting competition.

	1993 Ap	100 M	ited Ant.	1994 Perm.	B 34	Amt.	1994 E.	rtins R	de t.	1993 Appropriation 1994 Baseline 1994 Etalinate Decrease/ Perm. Anticleated Perm. Perm. Perm. Perm. Perm. Post. M. Ant. Post. M. Ant.	Se Amt.	
eral appellate activity	9	9	1,522	9	2	\$1,563	9	5	1,563	::	:	

LONG-RANGE GOAL: To provide effective representation before Courts of Appeals and the U.S. Supreme Court for antitrust cases and also representation in proceedings to review orders of certain regulatory agencies.

Major Objectives:

To support the sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States. To protect the interests of the United States in the development of antitrust law through participation as <u>aminus curias</u> in private antitrust appeals.

To advocate competition in appeals taken from regulatory proceedings.

Base Program Description: To provide effective representation, the Division propares briefs in antitrust cases before the Suprese Court as authorised by the Solicitor General: represents the interests of the United States in the Court in all civil and criminal cases brought by the United States under the Federal antitrust law; reviewer challenged decisions of the Interests Commerce Commission. The Federal Antitrust law; reviewer challenged decisions of the Interests Commerce Commission business of the Interests of Commerce Commission. The Federal Antitrust cases Repulsion of the Suprese Court in salesced private antitrust cases. The Division's responsibility for appeals from decisions by district courts in antitrust cases and for participation as malest and the Suprese Court in salesced private antitrust cases and for participation review orders of the Interests Commission, Federal Commission, Federal Commission, Federal Maritime Commission the Walesan Regulatory Commission is contained in 28 U.S.C. §2341–2350.

<u>Accomplishments and Workland</u>: Accomplishments of the Federal Appellate Activity are presented in the following table:

						8	
Itee	1881	7861	188	Change	e la	Change	Request Level
Administrative Law Cases							
Pending	Ξ	3	2	:	5 20	:	210
F194.	2	=	2	:	2	:	2
Non	3	2	:	:	:	:	:
	=	-	:	:	:	:	:
Dismissed.,	25	2	:	:	:	:	:
Antitrust Amicus Cases							
F.184	∢	•	•	:	•	:	•
Von	•	-	:	:	:	:	:
Lost	~	:	:	:	:	:	:
D/smissed	:	:	:	:	:	:	:
Antitrust Division Cases in Courts of Appeals							
Filled	=	2	2	:	2	:	2
Mon	•	7	:	:	:	:	:
Lost	:	~	:	:	:	:	:
Of smissed	~	:	:	:	:	:	:
Antitrust Division Cases in the Supreme Court							
F13ed	~	m	m	:	~	:	m
Aon	_	:	:	:	:	:	:
[086]	:	:	:	:	:	:	:
016818860	:	:	:	:	:	:	:

In 1982, the Division wan, in whole or in part, 13 of the 17 cases that were decided in the appealate courts, while another appeal was disassed pursuent to a settlement, encepting the control of the foreign depolitic Activity included a significant decision by the Minth Circuit in In. In International California, at al., w. Hariford fire the international California, at al., w. Hariford fire the international California, at all and the court agreed with the maleus bridge Mind by the Division, holding, among other things, that anisate the first harings internated and the case of example from the anisate from the

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The Division has won all recent Courts of Appsals cases involving bid rigging and price fixing, the Division's major criminal enforcement priority. Many of the judgments rendered by appellate courts at the Division's urging are important to all criminal enforcement priority. Many of 10 Justice. For example, the Minth Circuit recently reinstated the convictions of two dentities who had been convicted by a jury of knowingly participating in an agreement to raise co-payment fees charged to their patients. Rejecting the district court's judgment for acquittal, the court of appeals held that there was sufficient evidence to support the jury's vardict.

The Division's continuing enforcement of the AT&T Modified Final Judgment (MFJ) generates significant appellate activity. Since January C1990, there have been eight decisions involving the MFJ. Several more MFJ-related cases are currently pending before the DC Circuit C1990rt.

The Division also expects its criminal caseload to generate an increase in criminal appeals. Congress has approved an amendment to the Sterman Act increasing the maximum conforate fine-for Section I violations from \$1 million to \$10 million. Moreover, the Sentencing Commission has recently amended the Sentencing Guidelines in a way that is likely to increase the penalties imposed on antifrust violators. Although it is not possible to predict how these conformal impact appellate activity, the Division anticipates that high penalties will result in more appeals of convictions.

Increase/ Decrease	Pos. W Ant.
1994 Estimate	Pos. W Amt.
1994 Baseline	POS. W Amt.
1993 Appropriation Anticipated	POS. WY Amt.

Termination and prevention of private cartel behavior..... 244 224 \$22,711

4 \$22,711 244 205 \$23,494 241 200 \$23,106 -3 -5 -\$388

<u>LONG-Bange Goal:</u> To promote and maintain competition in the American economy by reducing private cartel behavior that restrains trade or commerce.

Major Objectives:

civi1 To promote and maintain competition, economic efficiency, and the enhancement of consumer welfare by using criminal and enforcement of Section 1 of the Sherman Act to terminate and prevent agreements that restrain competition. To limit cartel behavior in industries subject to state or Federal regulation to conduct that has been authorized by statute; to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed.

Š To educate the public, business, legal professions, and other government agencies with respect to the principles of antitrust laws enforcement policies.

To protect competition in industries which recently have been deregulated.

Base Program Description: The purpose of this program is to deter private cartal behavior by investigating and litigating violations of Soction . Of the Shraman Act. A wide range of investigatory techniques is used, including staff and FB investigations, civil investigative demands, and grand jury investigations to detect collusion and hid rigging. Professional economists assist in collacting and analyzing market and pricing data, providing expert testimony where appropriate. In some instances, once the government detects and successfully prosecutes collusion, it may botain additional injunctive relief. The Division must then monitor the firms to ensure that they abide about a such relief.

The Sherman Act is both a civil and a criminal statute. Historically, the Division has proceeded by criminal investigation and prosecution in cases involving and substitutional contention in care involving and substitutions, however, the cooluct may above the generator in certain situations, however, the cooluct may above the size of the Sherman Act is investigation or prosecution may not be considered appropriate. In addition, other conduct subject to Section 1 of the Sherman Act is analyzed under the rule of reason and is presecuted civilly, not criminally. In such cases, civil compulsory process is used to investigate the alleaded violation.

A matter commences with the opening of a preliminary fingulary. During this phase of an investigation, initial inquiries are made by Division automage, and investigate the addition is matter the initial investigation, initial inquiries are made by Obvision attornays and investigate the second criminal in natura, or should be pursued civilly. Hard one antitivate violations, La., price fixing, bid rigging, customs conduct. If evidence of a criminal violation is significant enough evidence to varrant going forward, civil investigation to matura, or should be pursued civilly. Hard one antitivition, by obtaining an injunction to conduct. If evidence of a criminal violation is significant enough evidence to varrant going forward, civil investigate information will be issued if the conduct under investigate wealpas enough evidence to varrant going forward, civil investigate information will be issued if the conduct under investigation will be considered in a seconduct under investigated will process to consider the conduct under investigated and civil and processes of activities of our processes of activities of our processes of constructions of such conducts of conduct and handled in accordance with procedures established by the observation of local law enforcement and damages is posseduce and analystic cases ind the prevented of conduct of the program of experience of such p

Ξ Incomplishments and Morkload: Accomplishments of the Termination and Prevention of Private Cartel Behavior Program (ollowing table:

						ğ	
11.00	1881	1992	1993	Change	Base Level	Change	Request
Pending at start of year Denned during the year Closed during the year	ጽ ะ%	588	× 88	:::	588	:22	525
pations I	83	3	3	÷	8	7	2
Investigative Demands (CIDs) Issued	=	4	2	:	2	÷	2
Grand Juries Pending start of year Opened during the year Closed during the year	£ 45 8	82.28	<u> </u>	; • :	<u>4</u> 88	: ** :	<u> </u>

Program are Private Cartel Behavior Prevention of pue the Termination Accomplishments and Workload (continued): Accomplishments of presented in the following table:

						ğ	
Itee	1991	1991 1992		1993 Change	825 EVE	Change	Request
Price Fixing Cases - Criminal Pending at Start of year Filed during the year Closed during the year	228	93 95 95	255	:::	252	:::	252
Other Federal Crimes-Criminal (e.g., False Statements, Perjury, Obstruction of Justice) Filed Won.	~ 56 ;	∞∞-	2 : :	:::	2 ; ;	:::	₽ : :
Criminal Fines Assessed	2,905	\$22,430 \$550 \$27,800	\$24,000	::	\$1,000	:::	\$24,000

Vigorous prosecution of horizontal price fixing, bid rigging and market allocations among competitors has been and will continue to be one of the Antitrust Division's primary enforcement activities. During 1992, the Division filed 70 criminal price-fixing, bid-rigging and customer/territorial allocation cases against 60 corporations and 61 individuals; fines were assessed in the amount of \$22.4 million, and sentences of 2.489 jail days (approximately 7 years) were imposed. In 1992, the Division had approximately 150 grand jury investigations under way affecting scores of different industries.

On Nay 20, 1992, the Department of Justice and the SEC announced a \$290 million civil settlement with Salomon Brothers, Inc. The retriving the statement of Justice and the SEC announced or Salomon or September 16, 1992. This global settlement, received \$27.8 million in a specement to coordinate trading in the May 1993 two-year notes auctioned by the Treasury in May 1991. The \$27.8 million asset forfeiture is the largest civil penalty ever received by the Antitrust Division and the largest payment to the Oppartment's Asset Forfeiture fund in 1992. The Division has developed communication methods for the Federal agencies and with the states, and has devoted resources to training these entities to recognize, report and investigate possible antitruit crimes. For example, any of the Division's field offices investigation, the Oppartment of Transportation, the General Serval antitruit in the Oppartment of Transportation, the General Serval antitruit is service and enables the Opivision attorneys from the task of conducting numerous interviews and allows Division attorneys from the task of conducting numerous interviews and allows Division attorneys from the test of conducting numerous interviews and allows Division attorneys from the test of conducting numerous interviews and allows Division attorneys.

example of cooperative efforts that have led to improved antitrust enforcement is the Division's recent work involving milk pricing.

Obvision and the Attorneys General of several states have examined bld rigging in school and military milk contracts in the United tess. Through March 1, 1993, these investigations have resulted in the filling of 83 criminal cases against 45 corporations and 56 ividuals. Fines and damages total nearly \$43 million. Thirty-two milk grand Jury investigations are now active in 21 states.

Integral to the Division's criminal enforcement effort is an intensive probe of bid-rigging and price-fixing activities in connection with Federal Government procurement. The Objection's hip priority in this sars has been the investigation and prosecution of bid rigging and price fixing on contracts late by the United States Department of Defents, including the U.S. Any Corps of Engineers. These cases have involved the procurement of military uniforms and ploves, dredging, moving and storage services for military personnel, dairy products, and various sedical products. Buyls on prosecutions have charged volations of Section of of the Shirman Act, and if faud, talsements submitted to government agancies, perjury, concinately 200 defendants have been convicted, with fines and damages totaling over \$57 million. The Division continues to divote substantial resources to this area of criminal enforcement, with 800 of its current 152 grand Jury investigations focused on federal, state and local government procurement programs.

Since early 1992, the Antitrust Division has been working with the Defense Fuel Supply Center (DFSC) to sensitize its staif to the purchase of fuels and fuel-master has to sail to our attention matters of such core. Early pass, the DFS contracts for the purchase of fuels and fuel-master shear to coperative effort burchase of fuels and fuel-master with lover 18 billion for the federal Government. Results from this cooperative effort burking fuel to Division of Division for investigation. The current matters shows possible antitrust violations in the bidding for the supply of ground fuels for either that begins with broader compirates of the Government.

Such cases are representative of the Division's success in targeting patterns of bid-rigging and price-fixing complication. Such cases industry or agentation, and any defense house compirations are related patterns of antitrust criminal violations. This has been the Division's especiation such broader compirations and advantage to related patterns of antitrust criminal violations. This has been the Division's especiation and alloy pipe, and public auctions. In recent years, the Division has expunded its criminal investigations and prosecutions to the criminal and alloy pipe.

The particular shall be not been the subject of criminal and/or hid rigging by white-collar professionals in no less damaging than similar violations by waste-haulers, road builders or electrical contractors.

On February 3, 1992, a complaint was filed against the Massachusetts Allergy Society, Inc. ("MAS") and individual allergists in Massachusette charging WKS and four doctors with violating the Sheman Act by conspiring to fix and raise fees paid for allergy services by certain hastlb maintenance organizations in Massachusetts. The complaint charged the defendants and co-conspirators with conspiring Lawar MS and to have MS as at as take if other proportating agent to obtain higher fees from certain HDDs for allergy services, resist competitive pressures to discount fees, and develop and adopts a fee schedule for MAS to use in negotiating higher fees on their behalf from certain HDDs. On May 18, 1992, the court approved the consent decree, terminating the suit.

1992, health care accomplishments also included:

United States v. Burgatings, which charged 22 obstatricians/gynecologists ("08/GYNs") (approximately 90 percent of the OB/GYNs in Savannah. Georgia) with compiring to exchange present and prospective fee information and resulting in higher fees to patients. This case was settled by a consent decree enjoining defendants from engaging in price fixing and from exchanging any information about current or future feas; ε

the association and five of its member consent decree requiring the defendant United States v. Mospital Association of Greater Des Moines. Inc., et al., which charged hospitals with entering into agreements to restrict advertising of hospital services. A chospital to independently determine advertising policies was filed and entered by the court; 3

the association illegally United States v. Graater Bridgeport Individual Practica Associate. Inc., which charged that the members of boycotted a health maintenance organization ("HMO) by refusing to contract individually with the HMO; and 3

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(4) <u>U.S. v. Bolar Pharmacoutical Co. Inc.</u> The indictment in this case, filed December 17, 1992, charges two generic drug analyticaturers, Bolar Pharmacoutical Co. Inc. and Vitarine pharmacouticals. Inc., and their presidents with compiring to fix the price of generic Desides, a drug used for the treatment of hypertension, during the period february 1988 through April 1989 buruant to a plea agreement, Robert Shulman, the former president of Bolar, pled guilty to identical charges in a separately filed information. Shulman was sentenced to 2 leonath in 1813 and 250.000 films to ran occurrent with his five-year 1811 sentence and \$1.25 million fine for fraud, obstruction of justice and other charges brought by the U.S. Attorney for the District of Maryland.

On September 2, 1992, the Oppartment received a favorable decision in its price-fitting case against Massachusetts Institute of Technology. MIT was the soil edfendant in United Sistes. We Broom University, etc. Including price discussions, regarding the level of thitlen assistance that would be offered to students, tuition levels and faculty salaries. Following a trial this past summer, Chief Judge Beckle of the Esstern District of Pennsylvania found that the foreaction. Federal judges are developing an increased appreciation of the seriousness of antitrust crimes. In 1990, congress provided courts with the ability to ensure that antitrust sense man and the seriousness of antitrust crimes. In 1991, consulted the seriousness of antitrust crimes. In 1992, and 1993, congress provided courts with the ability to ensure that antitrust sense appreciation of the U.S. Sententing Commisted by Individuals, finas increased appreciation of the U.S. Sententing Commisted Market Movember 1, 1991, organizational offenders are required to perfect of the foreact development affected by the violations committed after Rowadow 1 1992, the Guidelines were amended again to alter, intex alia are fine range between 15 and 90 percent of the volume of commerce. In 1992, the Guidelines w

Although fines and damages resulting from this program totalled approximately \$53 million in 1992, they represent of the Treasury. Savings to consumers and tamapers as a result of the deterrant effect of antifrust enforcement nuttiply the cost affectivers of resource abouted competitors. The multiply the cost affectives of resource detection of available data and concluded that anti-cartal enforcement attaff conducted a review of available data and concluded that anti-cartal enforcement attaff conducted a review of available data and concluded that anti-cartal enforcement attaff conducted a review of available data and concluded that anti-cartal enforcement attaff save the federal social second that a secon

Program Changes:

	186	1	1994 Baseline	188	1 in	4	2	Decrease		
	3	벟	Pos. W Amt.	8	ጀ	Post. VY Amt.	Pos. W Ant.	×	det	
nation and prevention of rate cartel behavior	2	202	244 205 \$23,494	2		200 \$23,106	-3 -5 -\$388	'n	-\$388	

A program decress of three positions, five workyears, and \$230,000 is required to meet workyear levels established by the Administration. The reduction will be achieved by attrition and early-out" ratifements. A program decress of \$150,000 is required to reduce administrative expenses to a saist in controlling the Federal deficit and improving the Federal government's administrative productivity. These savings will be accomplished through administrative cost reductions.

	<u>8</u>	53	1993 Appropriation Anticipated	78	Base		1384 Et	inate	Increase/ Decrease	, -	
	1	Ħ	Ant.	Pot. YY Ant.	덫		S S	POS. VY ARL.	Pot. M	A	
merket structure	\$	#	45 44 \$6,266	7	8	\$6.177	÷	\$6,100	42 35 \$6,177 41 34 \$6,100 -1 -1 - 577	-\$17	

<u>Long-Range Gall</u>: To enhance the ability of markets to function efficiently by preventing margers and acquisitions that may lessen competition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with competition on the merits.

Malor Objectives:

To implement a coherant merger enforcement program which prevents mergers that threaten to reduce competition in specific markets while minimizing governmental interference with transactions having no significant potential for harm.

To enforce effectively the premerger notification requirements of the Mart-Scott-Rodino Antitrust Improvements Act of 1976.

To prevent or dissipate monopoly power that is sought, obtained or maintained through anticompetitive conduct.

<u>Bate Frozram Description</u>: The purpose of this program is to prevent or dissipate unlawfully acquired or maintained monopoly power and to enfolin merges that may lessen competition. Economists are in general agreement that the potential accordic benefits of preventing monopolization of, and undue concentration in particular markets are substantial. The Division promotes and maintains the competitive structure of the national economy through investigation and litigation of instances in which monopoly power is sought, attained, not maintained through anticompetities conduct and by seating injunctive railer against mergers and acquisitions that may tend substantially to late of the program are section 2 of the Sharman Act and section 7 of the Clayton Act. The Division's responsibility for this enforcement program is found in 28 C.F.R. §0.40(a).

Accomplishments and Workload: Accomplishments of the Preservation of Competitive Market Structure Program are presented in the following table:

						<u> </u>	
Item Premerger Motifications Chargeable, fee-generating, Motifications	1,529	1,589 1,386 1,386	188 188 188 188 188 188 188 188 188 188	1991 1992 1993 Change 1,529 1,589 8/		Change	Request A A
Preliminary Inquiries Pending at start of year Opened during the year Closed during the year	288	828	828	:::	828	∠ ric ric	37 85 79
Civil Investigations Initiated Total merger investigations Mert-Scott-Redino - HSR Non-HSR	258	35 35 35	ទីឧង	:::	588	ទីសស	888
And/or CIDs issued - HSR	¥.	26	23	::	% 2	::	\$2
Mon-Mercer tovestications initiated	5		63	63 63	3	:	3

1/ Accurate prediction of these values is not possible due to their heavy dependence on economic markets.

ŧ ÷ Accomplianments and Norkload: Accomplishments of the Preservation of Competitive Market Structure Program are continued following table:

						1994	
Liter	1881	1992	1993	1991 1992 1993 Change	Base Level	Change	Request
Merger Cases Pending at start of year Filed during the year Closed during the year.	₹45	54n	54v	:::	542	:::	Š4₩
Proposed Merger Transactions Retructured/Abandoned on Announced Intent to Challange by the Division Restructured/Abandoned before Final Decision to Challange by the Division	o -	▼ -	4 %	: :	₹ ~	: :	4 %

Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, raquires certain enterprises their plant of merge or to enter into acquisition transition to host Antitrust Division and the Federal Trade Commission of their intention, and to submit certain information to those agencies. Hart-Scott-Rodino premarger noiffications provide advance notice of potentially anticompetitive transactions and allow the Division roblock such transactions before they are consummated. During an average month, the Division reviews the potential competitive effect of nearly 190 transactions, the majority of which come to its attention through Mart-Scott-Rodino Act premerger notifications.

In 1992, the Division reviewed over 1,500 preservoer motifications and challenged four proposed services the control of the Captor Division reviewed freezi by the Division of the Division for the Captor Division and the Captor Division of the Division for the Division of the Division for the Division of the Division

In 1991 and 1992, there were dramatic developments in the financial services industry, and in banking in particular. Several mergysrs of large about services theretising in the requiring intentive 'nvestigation by the Division. On Harch 13, 1992, the Division filled a complaint and proposed consent decree in the Northern District of Ohio in connection with the acquisition of Amerituat Corporation by Society Corporation. The complaint alleged that the acquisition would violate Section 7 of the Clayton Act in markets for business banking services in two geographic markets in Ohio. The consent decree required defendants to divest 26 branches and approximately \$33 services in two geographic markets in Ohio, and two branches and approximately \$4.7 million in small business in Lake County, Ohio.

The Division also investigated the merger of BankAmerica Corporation and Security Pacific Corporation, the largest bank merger in American history. After an extensive investigation by the Division, BankAmerica agreed to divest 211 branches, approximately \$8.8 billion in deposits, approximately \$3.3 billion in loans and related facilities and personnel to resolve competitive concerns arising from the merger also competitive concerns arising builties in Security by Comerical Banking Corporation, the acquisition of Bank Shares, Inc. and the acquisition of First Banks inc. Banks, Inc. and the acquisition of Bank Shares and Shares, the transaction was restructured in part to resolve antitrust concerns asised antitrust concerns. In first Bank System Bank Shares, the transaction was restructured in part to resolve antitrust concerns asised by the Division. In the other cases, as in many smaller mergers did not present any competitive concerns. Inc. of the bridge banks in Hidland and Beaumoni, Taxas, established by the Federal Opposit Insurance Corporation from the failed First City Banks in those cities. The decrees required divestiture of First City's office in Midland and all of its assets and deposits are optimized and possibly, its indirect consumer loans, and at least two and as many as three of First City's office in Beaumont and the diposit and loans of those offices, as well as all commercial loans of more than \$50,000 and the deposits of the commercial loan customers.

It is expected that bank mergers, including particularly mergers of banks in direct competition with one another, will continue at the current rate. These investigations are usually complex and resource-intensive. Another area of activity is mergers in the defense industry. Given the end of the cold var and the decline in defense spending, defense confractors are beginning to merge or sell off portions of their businesses. For example, the Division recently investigated the sale of General Dynamics missile division to Hughes.

identified antitrust issues potential ŧ to resolve Division is negotiating a possible settlement PrimeStar investigation, the investigation, the ÷ ÷

35.0 The Division announced on February 3, 1992, that it would challenge a joint venture of Drasser Industries and Ingersall-Band, the division announced on February 3, 1992, that would combine their operations that manufacture industrial pumps. It transcribes were proposed to sell certain lines bumps to resolve the competitive concerns.

It is anticipated that the Antitrust Division and the Federal Trade Commission will announce in 1993 revisions to the Hert-Scott-Radium preserger notification rules and form. The proposed rule changes are highly technical in nature (e.g., the ordina received by the government.

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The Division devoted substantial time in 1992 to the enforcement of the AT&T consent decree in pursuing several major investigations of decree violations. In addition, substantial itseff and supervisory time was devoted to a large number of decree-leaf activities, including walvers, complaints, and other decree enforcement matters, and decree interpretation issues. The workload by the decree is interpretation issues. The workload generated by the fest was serviced by the fest that in 1992 the Division subsitted to the court nine walver-laised fillings and five procedural fillings to five substantive as the fillings and five procedural fillings. The situat that are artistically independent to the reference often present complex light, and economic questions industry. Modifications that a last are critically important to the reference industry. Modification and requests for further waivers on issues such as the action or arrives restriction arrives. The Division expects the need for action on enforcement and interpretation matters to continue.

The Division filed a case against MYMEX Corporation for criminal contempt of the decree arising from its provision of an on-line data processing service to MCI in violation of section II(D)(1) of the decree, which then prohibited a Bell Operating Company (BOC) from providing information services. On february 16, 1993, the trial court found MYMEX guilty of criminal contempt, and imposed a \$1 million fine.

activities, the BOC's have improved their internal compliance. Judgment restrictions imposed on the BOC's pursuant to the AT&T it a warlety of compliaints of alleged violations of the

comfited to enforce the Modified Final Judgment restrictions improved their internal compliance procedures. The Division committed to enforce the Modified Final Judgment restrictions imposed on the BOC's pursuant to the ATEI divestiture, and the Division confines and mondiscrialization regularments. The states and mondiscrialization regularments in the respond to a variety of complaints of alleged violations of the ATEI content decree, such as the lifting of the information services restriction, have led to new questions of interpretation and resumments. The Division of information and resumments and respond to a variety of complaints of alleged violations of the decree's line of business and modiscrimination requirements. In addition, the Division will continue to investigate and respond to a variety of complaints of alleged violations of the decree's line of business and access to BOC-owned public telephones.

Let a be a provided by the Division investigated seven hospital mergers and is presently involved in a versal additional merger.

In the her

its enforcement activities in the health care field with the objective of the interfere with free competition in the health care market and the important one in achieving that objective. Many hospital mergers are now a marger acreen used in the past which generally activated investigation of a series to below four. Recent economic studies in the hospital field at lower concentration lavels than had been previously considered to be Over the past few years, the Division has been expanding in descring the antitutes are practices development of managed care. This past year has been an being investigated because the Division has abandoned has hosted in megan unlast it reduced the number of hospitals suggest that anticompetitive effects may be significant important, particularly in large urban areas.

the Division investigated the purposed acquisition of the Hissile Division of the General Dynamics Corporation by the Hughes recognizes, a ubsidiary of General Metors. Hughes and General Dynamics were both significant supplies to greated supplies to a military. At defense spending delines, the Department expects an increase of mergers of defense contractors. These sidns will be complex and difficult to analyze, and will require close cooperation between the Division and the Department of

On October 1, 1991, the Division filed a civil suit against Varian Associates. Inc. and Richards Electronics. Ltd. (H.D. III.) charging the defendants with compiliting to emopolite, in violation of the Sheman Act. cettain power got dit tubes are defendant at the conformation of the mountain is the barriers of power got ditubes that are sold in the World Sheet and Richardson is the dominant or only distributor for virtually all sanutatures of power got ditubes that are sold in the World States. I organize the defendants accounted for about 70 present of the power got dubes also in the U.S. The U.S. and the parties also effected into a civil settlement agreement that resolved the government's civil datage claims. Varian and Richardson each paid \$1.5 and little facts.

On August 20, 1992, the Division amounced its intent not to oppose the proposed acquisition of Butler Aviation International by Page Avigt Airport Services, Inc., as a result of action statem by the parties to eliminate competitive concerns raised by the Division. Both companies provide fixed base operator (RBD) services include the sale of 94 tile and the provision of terminal services recommens raised by the Division. Services include the sale of 94 tile and the provision of terminal services for services include the sale of 94 tile and the provision of terminal services of the profess of the terminal services include the sale of 94 tile and the provision of terminal services of the services include the sale of 94 tile and the provision of terminal to Massport, the airport authority governing logan. Massport can relet this lease, oceating a second competing 80 at logan.

Program Changes:

Program Changes:

| Program Changes: | Proceed of 1992 | Pr

	1994	845.	1994 Baseline	1994 E	t in	•	Decrease	2	
	Pos	Š	5	POS. WY AME	\$!	MY Amt.	Pos. W	Amt.	
Preservation of competitive market structure	4	35	42 35 \$6,177	=	*	\$6,100	41 34 \$6,100 -1 -1 -\$77	-\$17	

A program decrease of one position, one workysar, and \$50,000 is required to meet workysar levels established by the Administration. The reduction will be achieved by attrition and "early-out" retirements. A program decrease of \$27,000 is required to reduce absolute asponses to assist in controlling the Federal deficit and improving the Federal government's administrative productivity. These savings will be accomplished through administrative cost reductions.

	1993 A	tici.	1993 Appropriation Anticipated	1994	Base	In	1994	3	ate	Increase/ Decrease	;e/	
	Pos	¥	Pos. WY Amt.	Pos. WY Amt.	ξį	1	20	Š	Pos. W Aut.	Pos. VY Amt.	¥.	
Policy analysis, legislation and training	5	8	61 60 \$5,907 61 55 \$6,029	5	55	\$6,029	8	2	\$5,952	60 54 \$5,952 -1 -1 -\$77	-\$1	

<u>Leng-Ranga Geal</u>: To enhance the quality of enforcement activities througn economic and statistical analysis, to ensure that the objective of increased market competition is vigorously promoted in new legislation and regulation, and to improve training for Division employees.

r Objectives:

To develop sound economic bases for investigations and litigation to ensure that the enforcement program is beneficial to the economy.

To encourage the submission and passage of legislat on promoting a competitive economy and discourage legislation granting unjustified exemptions from the antitrust laws or hampering their enforcement.

To encourage development of international economic policy conducive to fair and open competition among nations.

To enhance the litigation skills of Division attornays and train support staff in the use of the increasingly sophisticated tools available to the legal community.

BASE Program Description: Enforcement of the antitrust laws is difficult and time-contuming because it is often the case that what conduct and particularly which margers are prohibited by those laws can often be determined only after careful economic analysis. Errors in antitrust enforcement can have professive consequences for the affected industries and for the mobile. Thus, economics has bey adding the Division's layer, and additionally, recent global worst taken for forcessed demands on the Division to statisf in shaping serious economic policy. Bottover, hundreds of lapsislative have resulted in forcessed demands on the Division to statisf in shaping serious economic policy. Bottover, hundreds of lapsislative proposals must be considered by the Department sath year, many having and significantly contributes to Administration policy. General authority for these programs is found in 28 C.F.R. §0.40. The Division percepts in order to enforce antitrust laws efficiently and effectively.

ACCOMPISSMENTS and Workload: The workload of the Policy Analysis, Legislation and Training Program is summerized in the following table:

						-	1
Item Cogressional Appearances	1881	7881	(Change	7	Change	100
White House Correspondence Referrals	154	278	280	Ξ	280	:	280
Congressional Correspondence	305	317	350	÷	38	:	350
Congressional and OMB Requests for Comments	151	827	850	÷	850	:	850
Statutory Reports	62	22	8	:	8	:	8

The Department operates in a world of global markets in which sound competition policy is a cornerstone of a free market economy. The United States antitrois laws are a model for competition policy the world over, and the enforcement policy of the Department has been influential in shaping the policies of our trading partners. Events throughout Central and Estern Europe have led the United States to make strong efforts to assist the newly-free governments in adopting free-market economic reforms. Similarly, the United States' recently negotiated North American countries, have and will continue to require the Division of plans to providing assistance to the new competition law enforcement agencies of those countries. Moreover, the September 1991 antitrust agreement with the Commission of the European Communities, the todewish importance of EC antitrust enforcement and the continuing emergence of a more unified EC will place new demands on the Division to develop its relationships in this important area.

International Activities

Recent accomplishments in dealing with foreign governments are stollows.

1. 1888. One of the Division's most visible activities during the past year are similar to those of the United States, but afforced the Antimonopoly Act, the law and the past been sporatic. As a result, there is a perception that price friding, bid rigging, market allocation and group boycotts occur with some frequency in Japan and that these practices contribute to the difficulties faced by American companies setting to ponetrate Japanese mariet. The SII talks thus have faced contribute to the difficulties faced by American companies setting to ponetrate Japanese mariet. The SII talks thus have faced contribute to the difficulties faced by Japanese firms that have hanced the ability of U.S. firms to compete the Japanese practices by Japanese firms that have hanced the ability of U.S. firms to compete in Japanese markets, and neglectic mariety is a setting in violation of the Antimonopoly Act, the first criminary posteroid and Is individuals for price penalties for antitutivity violations. The Division has been involved ignificantly in these evolving and consultation or competition policy. Morring closes for antitutivity violations. The Division has been involved ignificantly in these evolving closes, and thus penalties of developments will the SII committees and consultation on competition has been able to implement an assistance broad the transition of american and the fraces countries to provide advice on the formation of a free market and the transition to a market company. At the competed countries to provide advice on the formation of a free market and the transition to polish, cachoslovel, and Mingaria, many in the Division and file forms the market of Polish, Cachoslovel, and Mingaria market market and the fraction of the countries to provide advice on the formation of a provide advice on the formation of the Division and file Division and fi

Bilateral Antitrust Assistance Agreement with EC

the Federal Trade Commission signed a bilateral assistance agreement with the bilis agreement provides that the parties will cooperate with each other in the Division had prisary responsibility for negotiating this agreement on behalf of the cooperative effort required by the agreement, including the required twice-yearly the European Communities ("EC"). T their domestic competition laws. The suil contribute heavily to the new In September 1991, Commission of the Eenforcement of their Department and will formal consultations.

During 1992, the Division has responded to several requests for assistance by Latin American competition agencies. In December 1991, including antitrust control request of the U.S. Commerce Operation of 1993 seminars on U.S. The and policy, including antitrust law, that were held in Argentina and Brazil. Division personnel also attended an antitrust seminar in Venazuela in December 1991 to discuss that control was expected and the recently-enacted an antitrust law was strengthered expected in Venazuela and the result of the assistance received. In May 1992, the Division hosted the head of the new Venezuela an approxy of the assistance received. In May 1992, the Division hosted the head of the new Venezuela percey in Venazuela and the Arian President Press requesting further U.S. assistance and administrative standard the Arian President Research Pressident Research Pressident Research Resea

In Department's Autitrust Enforcement Guidelines for International Operations

In 1992 Division officials met frequently with U.S. and foreign government officials and attorneys to discuss various aspects of the Division Place and Endian Fole in the Attorney State College State College State S

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OECD Compatition law and Policy Committee

The Division prepared the United States' annual report for 1991 and led the U. S. delegation at the Organization for Economic Cooperation and Development (OECD) Competition Committee meetings. The Division influited an important new project on an organize and cooperation of the proper project of Compatition Committee and other countries, are preparing east somether reviews and chairs the Committee's Morking Party on International Cooperation. OECD consultants, working with been reviews of the Appendix and other acquisitions that have been reviewed been reviewed by more than one country. Their report will compare the ways enforcement authorities have handled the review of particular matters, with the goal of assuring that the review process is better coordinated among countries. This project has the matters and the range of antitrust enforcement matters.

Morth American Free Trade Agreement
In August 1992, negotiations were completed for a Morth American Free Trade Agreement among the U.S., Canada, and Maxico. Division
attornays spent a significant amount of effort participating in these negotiations in order to ensure that U.S. competition interests
are well served by the agreement. During the coming year, as implementation issues are considered, the Division expects significant
resources will be devoted to monitoring the MAFIA process.

9. Bilateral Dealings with Foreign Governments

The Division has responded to many requests from competition agencies in other countries for information on U.S. antitrust developments and has met with many foreign competition officials to discuss to consultations with the EC and Canadian antifrust authorities; these consultations with the EC and Canadian antifrust authorities; these consultations helped to coment already close relationships between the respective agencies, which have many similar competition concerns.

Domestic Policy, Training and Legislation

competition preserve Division in shaping, influencing and enforcing policies to protect and ŝ • The following are recent accomplishments within the American economy.

- Sentencing Euidalings. An important ongoing domestic policy project involves implementing key new sentencing guidalines for antitruit of fenses. Revised <u>Enisocing Egidalines</u> for individual and organizational antitruit violations became effective on Movomber 1, 1991.
 Individual antitruit violators ace longer and more certain prison sentences than were previously provided. The Division policy staff method closely with the Criminal Division and the Santencing Commission to achieve appropriate antitruit organizational sanctions, as well as the strengthened individual assertions for antitruit offenses. The Division continues to assist the Criminal Division is not expected to decline, given the <u>Guidalines</u> importance and constant evolution.
 - Proposed Legislation. The Division's legislative program entails drafting and supporting legislative proposals to amend antitrust laws one other takinds affecting competition, analyting proposed legislation, draft reports, and testimony propared by other agencies; and submitting comments on hundreds of such items to other Division Department components, the Office of Management and Budget, and Compress. It also includes preparing testimony to be given on bohalf of the Opparhment and the Administration, and coordinating responses to correspondence or other inquiries received from 600 stokes, the White House, or other sources. Among important ongoing legislative efforts of the Division are several antitrust reform proposals, legislation to modify the Affil decree, promotion of additional banking competition, and energy-related regulatory reform. તં
- Joint Production Ventures. A key proposal under contideration would provide increased opportunity and protection for procompositive joint production by Mearican firms to keep pace with foreign competition. Bo Division derifsed the Administration's bint production venture Administration's bint production resently resintroduced rights house and Sanke, where prompt consideration and ensteamed is likely. The legislation raises a number of general antifrante policy issues as well as the among consideration and ensteamed is likely. The legislation raises a number of general authority policy issues as well as the among some of the enter to which Joint production venture legislation should apply agencial apply to ventures containing foreign participants or production facilities. The Division intends to work closely with other interested agencies to develop the Administration's position on this legislation.
 - <u>Merger Law Supplement.</u> Section 7 of the Clayton Act, the primary antitrust law used to challenge anticompatitive mergers, contains a potential loophole that may prevent its use against anticompatitive asset acquisitions by some firms, including airlines. As the agency most directly affected, the Division has taken the lead in developing a proposal to close this loophole.
 - <u>MCGerran-Ferguson Act</u>. Division work continues in the review of the need for and proper scope of any revisions to the McGerran-Ferguson Act. The Act provides immunity from antifrust challenge to certain activities of insurance companies when those activities are audient to state regulation. Complex issues concerning the relationship of the antifrust laws, state-action immunity, state insurance regulation and joint rate satisfing activities by insurers remain to be rasolved. The Antifrust Division has been working with the Treasury Department and other interested agencies on this issue.

- <u>Ball Operating Companies Haufacturing.</u> The Division has testified with the Commerce Department in support of legislation to lift the manufacturing Inneaf-bariness settleticition in the AIEI decree. This Santa-passed bill, 5.13, would allow the Bell Operating Companies (BOCS) to manufacture telecommunications equipment, but the Administration opposed its domestic content and domestic content and domestic manufacturing requirements. The Administration also opposed the bill's restrictions on inter-BOC manufacturing activities. House versions of the bill (H.B. 1523, H.B. 1223) differ on the domestic content and domestic manufacturing issue. This legislation likely will be reintroduced in the 103rd Congress:
 - \$\$°\$ <u>Bell Operating Companies — information Services</u>, tegislation has been introduced in both the House and the Senate to forbid in BCC's from offering various information services, notwithstanding recent judicial decisions modifying the A<u>IMI</u> decree that permit (BCC's from offering with OMB and the Commerce Opportunities. The Division has strongly opposed this legislation, working with OMB and the Commerce Opportunities in important telecommunications markets. This legislation likely will be reintroduced in 101nd Congress.
- <u>Bell Cournting Companies Combus Legislation</u>. Legislation has been introduced to relepose the expired consent decree rastrictions on BC offering of Information services and establish the Oppartment and the courts as sequential regulators of BC entry into all the previously rastricted lines of business under a restrictive standard (H.R. 5096). The Division has opposed this bill, which will likely be reintroduced in the 103rd Congress.
 - Eggrap, Lagislating. Division staff assisted in the development policy-waking as legislative proposals progress.

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- legislation Ş Administration's position ŧ development of to the is participating Health Care Legislation. Division staff health care reform. Ė
- <u>Contract leatilities</u>. Other recent legislation has significantly improved and modernised the nation's antitrust laws. These include increased maximum fines for price fishing and bid rigging by corporations and individuals; providing trable damages to the United States with it is in Section 8 of the Clayton Act concerning interlocking corporate directorates. The Division has present responsibility for district the proposals and supporting documentation on these issues, coordinating with other Executive Branch agencies in formulating the Administration's postition, preparing testimony for ongers on the bills, and, in conjunction with the Office of Legislative Affairs, sublaining the proposals to Congressional staff members.

Events around the globe have resulted in demands on the Division as a shaper of international economic policy. Megotiations such as the Structural Importance in the Structural Importance in the Internation with Internation of the International and International and International order leadership to guide and International order of International Internation

Program Changes

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5 Policy analysis, legislation and training.....

l by the Administration. The led to reduce administrative productivity. These savings t workyear levels established decrease of \$27,000 is requir government's administrative p A program decrease of one position, one workyear, and \$50,000 is required to meet expection will be achieved by attritton and "serly-out" retirements. A program despenses to assist the controlling the federal deficit and improving the Federal guil be accomplished through administrative cost reductions.

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Competition advocacy program......

Long-Range (Gall: To eliminate unnecessary or counterproductive governmental interference with frue market forces and seek adoption of the most competitive means of achieving overriding social purposes.

To achieve greater competition in regulated industries.

To stimulate competition in the delivery of professional services.

To reduce or eliminate unnecessary antitrust immunities enjoyed by particular industries.

To encourage competition as new technologies are developed.

To prevent or minimize restrictions on free and fair international competition.

Base Program Dascription: As an advocate of competition, the Antitrust Division seeks the aliainstion of unnecessary regulation adoption of the most competitive and actional accompt through participation on Executive Branch policy-making tast forces and adoption of testing and actional accomptions of preparation of sessions and actional actions of preparation of sessions are added industries activity and intervention in regulatory agencies. Each legal and accompt sections of the Division having responsibility for regulated industries activity and intervention for agencies. Each legal and accompt sections of the Division having responsibility for regulated industries activity and personal activity and personal contact in the industries and in the agencies. The Division has responsibility for the antitrust laws and the procession of competition and transport, agricultural and related commercial and the procession of competition and transport, agricultural and related commercial tradements are securities, and developed the Division has responsibility for antitrust endowed the procession, the Division has responsibility for antitrust and personal actions and educational institutions. The Division is active before such apposits and the Department of Transportation, the federal feasibility for antitrust and personal actions are accounted to an expose the Currency, Mattonal Credit Union Administration, Securities and Exchange Commission, the Department of Transportation, and the property action and the past Regulatory Commercial and the personal personal and the sale or lesse of federal lands bearing oil, and issue responsible to furnishing addition, the Division is stated by the Division is the Division and the residual and the sale or lesse of federal lands bearing oil, and is served to appose the currency disposal and the sale or lesse of federal lands bearing oil, and is served to personal
Authority for these various activities is found in 28 C.F.R. \$0.40; the Federal Coal Leasing Amendments Act of 1976; the Despuster Port Act of 1974, 33 U.S.C., §1806; the Atomic Energy Act of 1954, 42 U.S.C., §1813; the Station Act, 49 U.S.C., §1818; the Bark Holding Company Act, 12 U.S.C., §1828; the Bark Holding Company Act, 12 U.S.C., §1828; the Bark Bark Housing Act, 12 U.S.C., §1730a; the Outer Continental Shelf Lands Act, 43 U.S.C., §1731, at seq.

Accompilatements and Workload: The workload of the Competition Advocacy Program is summarized in the following table: 1994

1500	1881	7881	1883	Change Level	reke)	Change	Request
Total Screenings 1/	1,598	1,539	009,	:	009,1	:	009'L
Screening Requiring Competitive Analysis 2/	1, 1	Ξ.	 8	:	<u>.</u> .	:	- 3
Participation in regulatory agency proceedings							
Department of Transportation (DOT)	•	•	:	:	:	:	:
Federal Communications Commission (FCC)	~ '	so (:	:	:	:	:
Federal Energy Regulatory Commission (FERC)	m (<u>ه</u>	:	:	:	:	:
<u>ء</u>	10	2	:	:	:	:	:
Interstate Commerce Commission (ICC)	m :	.	:	:	:	:	:
Other.	7	7	#	1	; ‡	1	; ‡
	2	\$	8	:			3

 Total screenings include review of bank holding company activities in addition to savings and loan letters, bank holding letters, and merger letters. 2/ Effective in 1991, competitive factors reports by individual letters were no longer issued. A more valid measure of the Division's bank merger review workload is the total number of screenings and the number of screenings requiring competitive analysis.

2/ At this time, the Division cannot estimate by particular agency where participation will occur.

Recent accomplishments in the Compatition Advocacy program are as follows:

1. Intertable Commission. The Division was particularly effective at the Intertable Commerce Commission (ICC) in 1992. It continued this effects to persuade the ICC carvole the Rocky Mountain Rate Bureaus' and security to see general rate increases. Although the ICC's efforts to deregulate the motor carrier industry have been largely successful, competing motor carriers are still semility to obtain immunity from the antitrust laws to form "rate bureaus" and agree on general rate increases. In urging an end to all antitrust immunity, the Division noted that certain rate bureaus" and agree on general rate increases. In urging an end to all antitrust immunity, the Division noted that certain rate bureaus rate increases for Commission requision rate in the property of the rate bureau general rate increases for Commission rate that are bureaus general rate increases. The carriers were thus able to impose collusive price increases without that of rajection by the Commission. In response to the Division's partition, the ICC decided to launch a broad investigation of rajection by the Commission. In response to the Division's partition, the ICC decided to launch a broad investigation of rajections in the trucking industry. When the ICC decided to launch a broad investigation of rajections in the trucking industry considerate subsponses to Res and its members to produce evidence in connection with nor patition for which we sated the ICC to issue subsponses to Res and its members to produce evidence that the effect of the practice was to alevate rates aboves least that would have otherwise prevailed. The Commission continues to have the patition under consideration, although some of the major carrier members of the rate bureaus here since dropped out.

On September 25, 1992, the Division filed comments with the Interstate Commerce Commission in a proceeding concerning the proposed acquisition of three Wisconsin carrier alload. The transaction would be virtually the only rail carrier between Milauluse and Green Bay. In addition, Wilauluse, Minauluse, Minauluse, Minauluse, Minauluse, Minauluse, Winauluse, Winau

On July 10, 1922, the PEC, citing comments the Division filed in June, issued a decision to awand its regulations to prohibit certain activities by ocean subjoing conferences are interested to the statutory right of individual ocean carriers to price their services below the rates established by shipping conferences, which is statutory right of individual ocean carriers to price their services below the rates established by shipping conferences, which proceeded Tate-stablishing carriers of cean carriers. The Division's comments around that the Shipping Act of 1964 established a major proceeding the conference activities of the stablished a major proceeding the comments to laporate conditions that restrict, deter, or increase the cost of the essection of that right. For each of the several conference pactifiest under scruting, the Commission adopted the position the Division advocated. The Indiative has now appearant that find mainted contents to the D. C. Circuit.

On July 10, 1992, the Division filed comments with the FMC concerning a proposed rulemating to exampt "facilities agreements" involving agreements retain antifrust immunity unless the Concerning a proposed rulemating to example Act, however, exampted agreements mainted the amounty unless the Concerning a proposed rulematic the Justification's comments also urged the SPMC to attend the exception estimate the Indiatory content for other severables in this industry. These comments also urged the Commission, at a minima. In a present and terms they offer to ocean its monor carriers and industry reduce the scope of immunity afforded such agreements, on October 26, 1992, the FMC issued a revised notice that would significantly reduce the scope of immunity afforded such agreements.

3. Description, of [Indigentialies]. At the Department of Transportation (DDD), the Division has continued to participate in proceedings researed the Computer Assertation Systems from the Management in Computer and Computer researching served in the Computer Assertation Systems from the Management of the Management of the Computer Assertation Systems from the Management of the Computer Assertation Systems for the Management of the Computer Assertation of the Computer Assertation of the Computer Assertation Systems for the Computer Systems for Computer Assertation Systems for the Computer Systems for Computer Syst

Also at FERC, deregulation initiatives have been proposed for the electrical power industry. Among the issues to be addressed are the appropriate estent of competition between local, amonically-comed systems and large integrated electric power systems that come the transmission miscon the attent to which integrated power for competing agenerators as well as the efficient pricing for this transmission. For example, the Division in 1992 advocated that FERC receives an earlier decision and approve market-based rates for wholesale power transmission where the record demonstrated the transmission had been added in a competitive market. On reconsideration, the FERC adopted the Division whose special power for content in the receiving an advocated that transmission systems for dubority for the first time to order utilities to offer their transmission systems for cubins in the series as new set of economic fastus into the first time to order utilities to offer their transmission systems for cubins the fast states and the second of the second of the second distriction and distribution of electric power, and Division patient of the National Energy Strategy (MES) Report released in Report and the Institution was accommendated several conclusions. In Advances ta keystone of the Mational Energy Strategy (MES) Report and the National Energy Strategy (MES) Report and the secondary upon and the Institution of the Advances and Energy Strategy and the National Energy Strategy (MES) Report and the Secondary service from the Energy Strategy and the Advances and Energy Strategy (MES) Report and the Secondary service from the Energy Strategy (MES) Report and the Secondary services from the Energy Strategy (MES) and the Energy Strategy (MES) and the Secondary services and the Energy Strategy (MES) and the Energy Strategy (MES) and transported to remote the Strategy of ENG (for rely on materials and pricing where another the Energy Strategy of the U.S. econdary strategy of the United Strategy Strategy of the United Strategy Strategy o

One of the most significant of these proceedings has been the FCC's rulemaking on aspanded interconnection with local telephone company facilities and the transport rate structure. The Division filed detailed comments recommending that the FCC require expanded interconnection between local telephone companies and their local competitors, including unbunding or trates and payisal colocation, so as stocking or competition in the provision of local telephone services. The Division also supported granting rate flexibility in special access services to local telephone companies once these procompetitive reforms are implemented, and reforming the rate structure for switched access services. The FCC, on September 17, 1992, adopted rules for expanded interconnection and pricing flexibility in flexibility for local carriers.

international be retained wit. The FCC to reduce regulation of foreign-owned in a more burdensome degree of oversight, foreign end of the international circui March 24, 1992, in the FCC's pending proceeding recommended that "dominant" carrier regulation, foreign-owned carrier has market power at the f comments, on The Division ts where the 1 Division also filed communications carriers. The international markets we pted this proposal. ຣ

In another important FCC rulemaking, the "video dialtone" proceeding concerned introducing competition between telephone and cable television companies in transmission of video services. The Division filed memors policy supporting "video dialtone" as proceeditive and defending the legality of the proposal under the Cable cleavaintations Policy Act of 1964. "Video dialtone" represents the first opportunity for undespread land fine competition to capital relevations, promiting a reduction of prices and greater choice of or consumers. The FCC adopted the "video dialtone" concept on July 16, 1992, creating a regulatory framework for competition constituent with the Cable Act that involves nondiscriminatory common cerrier transmission of video services by the local exchange cerriers.

The Division continues to be involved with competitive issues relating to television network connership in other communications industries. On May 15, 1922, the Division filed comments with the FCC recommending elimination of the par ag prohibition on network commership of cable elevision companies. The Division recognisate that the robust growth of cable television and the change in position of the networks have removed the likelihood that the networks would be able to inhibit computition by cable systems. On June 18, 1922, the FCC announced the elimination of this commership prohibition, replacing it with certain structural limitations on network-cable commership.

The Division's competition advocacy efforts at the FCC over the past year were largely successful. During the next year, the Division is sitely to confortine its participation in ongoing FCC proceedings that present crucial competitive issues for telecommunications, such as appared futerconnection and the transport rate structure. The Division filed comments in the FCC's rulemaking to establish a regulatory framework for new personal communications services.

MAIL-agency. The Oppartment of Justice has been asked to participate in an inter-agency working group that will take a comprehensive look at policies affecting communications and information industries. The working group will examine the future of these industries and identify regulatory barriers that may be hindering U.S. competitiveness.

The Oppartment of Justice is leading an inter-agency working group to explore proposals for enhancing by compatition the efficiency of t Federal Government's procurement of health care services. Other participating agencies include Health and Human Services, the Office Personnel Management, Department of the Treasury, and the Department of Cormerce.

Division members of the Bank Competition Working Group, which is chaired by the Justice Department and includes Traasury, the Federal Reserve Board, and the Council of Economic Advisors, work to identify issues for consideration by the Group.

The Division's best opportunities to protect competitive markets from cartal activity, to make markets more competitive by reducing unnesded regulation, and thus to improve consumer welfare, lie in vigorous pursuit of two major activities: enforcement and competition advocacy. This program has significant potential to save broadmants are save to support one of the most important components of the Division's mission. This program has significant potential to save development and taxapers millions of dollars annually in reduced regulatory requirements which discourage change and development associated with competition.

Great strides have been made to eliminate unnecessary economic regulation, thereby reducing costs and removing disincentives to economic efficiency. Examples include drawatic changes in the regulation of rail, air carrier and tructing transportation and in telecommunications. There are important opportunities to continue competition advocacy through the review of existing and proposed regulation, especially in areas such as energy, financial services, and health care.

Program Changes

| 1994 Bateline | 1994 Estimate | Decrease | Perm. | P

the Administration. The reduction will be reduce administrative expenses to assist in These savings will be accomplished through A program decrease of one workyar and \$50,000 is required to meet workyar levels established by achieved by attrition "aarly-out" retirements. A program decrease of \$27,000 is required to recutrolling the Federal deficit and improving the Federal government's administrative productions.

	1993 A A	ticis	1993 Appropriation Anticipated	1994 Baseline	Base	ine	188	1	alte	-	Increase/ Decrease	<u> </u>
	2	ĭ	W	ā	¥	Post. WY Amet.	2	₹	Post MY Amt. Post MY Amt.	į	걸	¥
nt and administration	8	75	66 72 \$5,147	8	6	66 67 \$5,144	\$	8	\$5,067	7	7	-\$11

<u>Lang-Range Goal:</u> To provide effective and efficient management and policy direction of all Antitrust Division activities, and provide the support necessary to carry forward the Division's programs.

Mater Oblectives:

To provide coordinated, consistent policy direction to the federal antitrust program and effective liaison with other agencies, both Federal and state, the business community, and the general public.

American To allocate resources, manage workload, and evaluate the productivity of the Division to produce results beneficial to the economy and the taxpayer.

To provide effective and efficient administrative and systems support to Antitrust Division activities.

Base Program Description: This program provides for the overall direction and management of the Antitrust Division, including the supervision and administration necessary to support the Division's litigative mission. Top management provides policy guidance, administration nate the full range of Division activities. In addition to specific case direction, Division anisoment officials direct the overall administration and management of the Division, determining the allocation of a finite amount of resources among competing programs to meet the varied responsibilities of the Division as effectively as possible. Division officials articulate assume affective control and management of Division resources and governmental actions. Administrative support is required to assure effective control and management of Division resources and to provide the services and tools needed by the operating staff to do its job.

<u>Accomplishments:</u> A significant management accomplishment in 1992 was the fisuance of joint merger guidalines with the Federal Trade Commission (FIC). Previously, the Opportunit and the FIC issued separate guidalines, a source of some concern to the business community. Development of joint guidalines required high-level negotiations between the two agencies. The resulting guidalines represent a consolidated statement of federal merger enforcement policy that will contribute to sound decision-making by first considering mergers and acquisitions, ultimately contributing to the efficiency and competitivenss of the American economy.

The Division's achievement of close working relationships with state enforcement officials also represents a major management accomplishment in 1922. Division officials took the initiative to establish a dialogue with the states and respond to their policy concerns, as well as to improve coordination of investigatory process and resources. The result is a more unified and efficient Federal and state antitrust enforcement presence across the country, serving to a saure conservation of government resources at all levels, deterviolations of the antitrust level, and provide greater consistency in law enforcement policy to enable businesses to flourish.

The Division continues to direct great effort to its use of automated systems to ensure accurate and timely information and support to its sactions and field offices, the Division has an event and operating staff. In order to provide a continued high level of support to its sactions and field offices, the Division has moved aggressively in the use of its on-site anticomputer network for a vide range of purposes, including desktop access to legal and economic research data bases, electronic mail, automated time and attendance reporting for payroll purposes, and management and systems, as well as anord processing. Additionally, the Division has made use of portable professional computers for remote trials to maintain compatitiveness with the private bar and increase the quality of off-site support.

Another essential project included in this program is the development of means to provide increased support to Division professionals when they are working at remote trial sites. With the increasing technological sophistication of both Division tast and the business would in general, access to the evidentiary information developed and stored in the "office" computer is the key to managing and concentrations are also Division to the provision of portable especialistic and interest of a support for a vide range of paralegal access to their "meas" office system from a remote location. Once the portable especialists and support for a vide range of oreasing, the capabilities and improve overall effectiveness and effectively with the private bar. This wider range of available tools not only assures a higher quality of analytical and written work, but also assures faster access to information necessary to decision and ting sistems to allow Division staff to compete affectively with the private bar. This wider range of available tools not only assures a higher quality of analytical and written work, but also assures faster access to information necessary to decision and ting in all phases of onsite trail support.

In support of its overall goal to collect government debts efficiently, the Antitrust Division follows systematic and effective Division directly. The Division's task is also assured assured to the cast generation and the size of collection of course requirement debts efficiently, the Antitrust Division follows systematic and effective division directly. The Division's civil debt collection program has been highly successful, with close to a 100 percent collection addition, during fiscal year 1992, the Collection program has been highly successful, with close to a 100 percent collection addition, during fiscal spars 1992, the Collection program has been highly successful, with close to depend collection addition and handled in accordance with parts. Criminal fines and panalties are referred to the best collec

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Administration. sired to reduce administrative by the 1 A program decrease of one position, one workyear, and \$50,000 is required to meet workyear levels established The reduction will be achieved by attrition and "early-out" restreement. A program decrease of \$27,000 administrative expenses to assist in controlling the Federal deficit and improving the Federal govern productivity. These savings will be accomplished through administration cost reductions.

Antiense Division Salacist and asponses Justification of Walti-Activity Program Changes (Gollers in thousands)

	1994	1994 FIE Reductions	SOS.	1994 Admi	1994 Administrative Savines	vinas		Total	
Direct authority;	Perm. Pos.	펉	P	Perm.	Ħ	휳		¥	ם
Federal appellate activity	:	:	÷	:	:	:	÷	:	:
Termination and prevention of private cartel behavior	ņ	₽	-\$230	:	÷	\$2 58	7	Ţ	-\$388
Preservation of competitive	7	7	ş	:	:	-21	7	7	-11
Policy analysis, legislation and training	ī	7	Ż,	:	:	٠.	7	7	
Competition advocacy program	÷	7	ģ	:	÷	-53	:	7	-11
Management and administration	7	7	ş	:	:	-51	7	7	-11
Total	۲	•	730	1:	1:	-266	۱۴	ls.	198 197

A program decrease of siz positions, who workyears, and \$430,000 is required to meet workyear level established by the Administration. The reduction will be achieved by attrition. A program decrease of \$266,000 is required to reduce administrative expenses to assist in controlling the Federal deficit and improving the Federal government's administrative productivity. These savings will be accomplished through reductions in contractual services.

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Salaries and espenses
Financial Analysis - Program Changes

-3 -9120 -3 -9120 -3 -9120 -3 -9120 -3 -9120 -3 -9120 -5 -920 -159 -159 -159 -159 -159 -159 -159 -159	Stract:	. g.	Federal Opellate Accivity	Fewent	Termination and Prevention of Private Cartel Benavior Program	Compet	Preservation of Competitive Market Structure Process	100 co	Policy Analysis, egislation and
1.00 1.00	•	iori, a	Change	Voralo	d Change	Yerkio	Ad Change	AC INC.	Change
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Competition Sample Sampl	TOTAL MOTIVABLE AND	444			-8			1	
Compatition	oerconel competation	;		٠,	-230	7	۶	7	٩
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Competition	Travel of persons		:		: :				
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Competition Hangement -1 -17 -1	65A rent		:		:		:		:
Competition	Communications, utilities,								
Competition Management -17 -1	and other rent		:		:		:		:
Competition Management	Printing and reproduction.		:		:		:		:
Compatition Management -77 -1 -77 -1	Other services		:		33		-5.		-57
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-27 -27	and other real								
	Printing and reproduction.		: :		: :		: :		
	Other services		-53		-5:		982-		
	Supplies and materials		:		:		: :		
	Equipment		1				-		

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ANTITRUST DIVISION Salaries and Expenses Prierity Ranking

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	Rankin	-
		ermination and Prevention of Private Cartel Behavior
	Present	Termination of Private

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Program

Competition Advocacy Activity 3
Federal Appellate Activity 4
Policy Analysis, Legislation 5
and Training
Management and Administration 6 Preservation of Competitive Market Structure

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Antitrust Division
Salaries, and expenses
tail of Permanent Positions by Category
fiscal Vares 1997 - 1994

oğ usylektelektelektesi yalınının selvelili tektelektesi kereptili biliktesi bakası kereptili biliktesi bi	1992		1993			1994	
Category	Authorized	Authorized	Adjustment in Perm Pos.	Total	Transfer	Reductions	Authorized
	350	131		916	7	7	212
Paralanal Coecialiste (OCA)	ĝ	<u> </u>	77	3	? ;	r :	3
Other Leas and Kindred (900-998)	22	:=	: :	=	: :	::	=
	54	:2	: :	23	:	7	22
Gen. Admin., Clerical and Office Services (300-399)	121	149	-5	7	:	7	Ž.
Accounting and Budget (500-599)	_	^	:	_	:	:	_
Mathematics and Industry Group (1100-1199)	▼	* -	:	-	: :	::	-
100 TO 10			-	;		,	
Total	411	£.	κ	§		۴	45/
Usekington	871	"		217	۳.	4	308
U.S. Field	₹2	64	? <u>;</u>	67	· :	· :	6
Total	477	47.1	ş	997	7	۴	457
,						1001	
	1992		1993				1
Catamor	Authorized	Authorized	Adjustment to Perm Pos	Total	Transfer	Reductions	Authorized
Indirect (Filing Feet):	NA INC.	NAME OF TAXABLE					
Attorneys (905)	\$	83	:	8	~	;	28:
Paralegal Specialists (950)	7	=	:	=	:	:	= '
Other Legal and Kindred (900-998)	ກຸ	so ;	:	'n	:	:	ng
Social Sciences, Economics and Kindred (100-199)	2	2;	:	25	:	:	22
Association and Richard (500,500)	3~	3~	:	3~	: :	: :	3 ~
Business and Industry Group (1100-1199)	~	~~	: :	~	: :	::	~
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	, 0.			;	,		126
Washington	4	32	::	32	• :	::	æ
Total	151	35	:	<u>%</u>	m	:	

Salaries and expenses Summary of Change

	4	Direct: 1993 Appropriation (as Enacted) 1993 Appropriation and workyear reductions 1993 Appropriation anticipated.	<u> </u>	ই এই	17 12,62
	2	Adjustments to Base:			
22	25	hare to support the Department's Personnel Staff	:	÷	92
	23 P 23 P 23 P 24 P 24 P 24 P 25 P 25 P 25 P 25 P 25	Transfer from indirect funding	72	*	4.
	23 P 23 P 23 P 24 P 24 P 25 P 25 P 25 P 25 P 25 P 25	Mandatory Increases:			
		1. 1993 Pay Annualization.	:	:	
	23 P 23 P 23 P 24 P 24 P 24 P 25 P 25 P 25 P 25 P 25	VICTORIOR INCREASES.	:	:	
		C. Tearing defention of the control	:	:	
	24 6 24 24 24 ::::::::::::::::::::::::::	4. redefal interface Corporation Act.	:	:	
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24 24 24 24 24 24 24 24 24 24 24 24 24 2	24 24 34 34 44 44 44 44 44 44 44 44 44 44 44	Oecresse: FTS 2000 savings	÷	:	7
435 474 -27 -66 453 408 -6 -9	490 474 -27 -66 463 408 -6 -9 457 399	Total, adjustments to base.	77	12	6.
-27 -66 463 408 -6 -9	-27 -66 463 408 -6 -9 457 399	994 Base.	8	47.4	25,6
£53 - £53 - £53 - £53 - £53	809 £29 6- 9-	Savings to achieve deficit reduction targets	-51	*	6.
6- 6-	6 -9	994 Bareline	197	100	5,5
100	457 399	Staffing reductions and administrative savings.	۴	9	φ
	666	OOM Pennech	197		9

Antitrust Division Salaries and expenses ustification of Adjustments to Bas

		105.	¥	Pos. M. Amount
Transfe	Transfers from other accounts:			
	Transfer from the Working Capital Fund	:	:	\$266
=	This represents the Antitrust Division's share of the costs to support the Department's Personnel Staff.			
Trans	Transfer from Indirect funding	7,	2	24 4,400
£	This transfer was proposed to reduce reliance on earnings from Hart-Scott-Rodino premerger notification filing fees.			
Mandate	Bandatory, increases:			
1. 19	1. 1993 pay annualization	÷	÷	453
E.S.	This pay annualization represents only first quarter FY 94 amounts (October through December) of the 3.7 percent pay increase effective in January of 1993 plus appropriate benefits (\$348,000 pay and \$105,000 benefits).			
2. W	2. Within-grade increases	:	:	303
£5#8%	This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation raies, and carear ladder series to reflect promotion policy for each organization. The request includes \$230,000 for pay and \$73,000 for bay and			
3. He.	3. Mealth benefits	:	:	\$
###	The Federal Employees Mealth Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$55,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1992 projected for a full year.			

2	Mandatory increases (continued):	Pos. MY Amount	Š	Amount
•	4. Federal Insurance Corporation Act	:	:	214
	Beginning the first full pay period after January 1, 1992, the base on which earnings for Social Security and Health Insurance computations are calculated increased from \$57,450 to \$59,550 and from \$57,450 to \$139,350, respectively. This increase of \$214,000 is computed based on the increase in the base rate.			
	5. Accident Compensation	Ξ	:	2
	This increase reflects the billing provided by the Department of Labor for the actual costs in 1992 of employees' accident compensation. The 1994 amount is estimated to be \$16,000.			
_	6. General Services Administration (GSA) :cnt	:	:	1,733
	GSA will continue to charge rentil rates for space and related services. The requested increase of \$1,733,000 is required to rest the Sivision's commitment to GSA.			
	7. Postal Equipment Purchases	:	:	±
	This equipment purchase is necessary to comply with the U.S. Postal Service mandate requiring federal agencies to convert to direct accountability method of detarmining postage costs for federal Government penalty mail. Compliance with the direct accountability requirements cannot be accomplished without procurement of electronic mail processing equipment for use at Department offices and facilities across the country and worldwide. This con-time increase of \$14,000 is for purchase of scales, mail processing equipment and contractor assistance.			
•	8. Postal Equipment Rental/Maintenance	:	:	•
	This request provides for the additional increase for the recurring annual expenses for meter rentals (cannot be purchased) and equipment maintenance necessary for the conversion of Federal agencies to the direct accountability method of determining postage costs. An increase of \$4,000 is required.			
0.	9. Postal Under-Reported Postage Use	÷	:	23
	The current sampling methods used by the U.S. Postal Service for assessing postage of penalty mail are not designed to provide a high level of precision and have proven highly inscurate. Based on actual asservation and have proven highly inscurate a based on actual asservation which have already converted to the direct accountability method, the			

experience of Federal aspectes which have already converted to the direct accountability method, the Department's actual postage costs will increase by 32 to 55 percent.

This increase is needed despite cost containment means implemented in the Department (e.g., presorting of outgoing mail, centralized mail room operations), as well as reducing the use of presorting of outgoing mail, centralized mail room operations), as well as reducing the use of prefessional experience and prefessional experience and experience and experience and experience do other agencies.

æ	Mandatory increases (continued);	Post	\$	Amount
_	10. Government Printing Office (GPO) and Department printing	:	÷	5
_	Department's duplicating facilities. 11. Computer Security Disaster Recovery System.	:	÷	25
	As required under the Computer Security Act of 1987 (P.L. 100-235) and OMB Circular A-130, the Oppertuent's implementing a system to provide disaster recovery for the Oppertuent's mission-critical information processing. Under the disaster recovery and continue to perform esternial but the event that automated information systems are interrupted due to natural disasters, terrorist attacks, or other catastrophic portion systems are interrupted due to natural disasters, terrorist attacks, or other catastrophic portion of its mission-critical information precessing in the event that normal data processing operations are disopted. The Antificust Division is requesting a total of \$15,000 in 1994 to cover its recovery system.			
=	12. Employee data and payroll service	:	:	w
	Centralized employee data and payroll services are provided to all Departmental organizations except the Federal Bursau of Unssigation. A five percent increase is needed to stay current with inflation, the increased use of the National Finance Contex (MCI), and the continuing level of systems support by the Finance Staff. An increase of \$5,000 will be required in 1994.			
2	13. GSA recurring reimbursable services	:	:	137
	Reimbursable payments are made to GSA for heating, ventilation, air conditioning and guard services provided in access of normal working hours. Increase amounts by organization vary based on anticipated actual billings. This request for \$137,000 includes a Departmental redistribution that more accurately spreads the current resources.			
Ξ	14. Lease Expiration Costs	:	:	Ξ
	The Department has a large number of leases known to be expiring in 1994. In many cases the existing leases may be remeaded, but it is impossible to determine now how many and which ones will fall into this casegory. This internate includes costs for amountations necessary to occupy may pace (costs for communications, wiring for automated systems, additional electrical outlats, etc.) and excludes any increase in rent costs. GSA estimates that historically, SO percent of all expiring leases are renewed. Therefore, the requested increase of \$111,000 includes SO percent of the estimated relocation costs for known lease expirations.			

Mandakor_insresses_(continued):	101	×	Amend
15. General pricing level adjustments. This request applies ONE pricing guidance as of June 9, 1992, to selected expense categories. The increased costs identified result from applying a factor of 3, percent against those subobject classes where the prices that the deverment pays are established through the arriset system fisted of by law or regulation. The factor is applied to supplies, asterials, equipment, centracts with the private sector printing costs. The factor is applied to supplies, asterials, equipment, centracts with the private sector.	÷	:	906
Total, mendatory increases.	1:	1:	13,430
DECEMBLE: FTS 2000 reduction. This decrease reflects recently complied data provided to the Office of Nunspenent and Budget by GSA on FTS 2000. The price redetermination thats into consideration both voice an data services and is an across-the-beard Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The projected 1994 decrease is \$117,000.	:	:	:
Total, adjustments to base	F	F	616'13
1994 Baso	126	12	509'25
Savings to achieve deficit reduction targets	: -	*	-7,092
1994 Baceline	经	100	45,513

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į	No.	S (0)	Antitrust Division Salaries and expenses Summary of Requirements burned and Object Class (Oplies in thousands)	rition Renter Irade and Obj Ovtands)	ect Class			
Ul rect:	1992 Actual	lau	1993 Estimate	Limite	1994 Request	West	Increase/Decrease	MCF8450
Grades and salary ranges Executive Level IV, \$115,700	Vorkvears	Amount	Verkvears	Amount	Vorkyears	Amount	Vorkvears	Amount
\$111.90	5							
ES-3, \$101,800	:~		·~·		~~		: :	
8	- -		۰~;		~;		: : '	
56,627-73	255 89				38		74	
65/GM-13, \$47,920-62,293 65-12.	6 0		\$ 2		å≥		7	
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\$25,78	2 21		ຊ≃		22		::	
\$22,717-29	8		€:		2:		:	
\$20,443-26,572	=*		= "		=^		÷	
***	• ♥		- 🕶		4		: :	
65-3, \$14,603-18,986	~		~		7		:	
Total, appropriated positions	437	\$18,578	994	\$15,709	457	\$16,274	ę	-1868
Pay above stated annual rates	::- 82	138	:₹	-1,452	: \$	-3,222	:7	-2,238
Savings due to lower pay scales		2,46		. 196			:	192
Net full-time permanent	404	12,62	420	14,056	369	13,115	4	7.
Other than permanent:	=	620	=	ş	=	9	:	:
Temporary employment.	782		12	8	12	926	:	:
intermittent apployment	:	:	:	:	:	:	:	:
Overties	~	131	~	14.3	~-	14.	÷	:
Special personal services			. 441	8 1	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5		: }
Total, workyears and personnel compensation	450	17.767	455	16,238	404	15.324	-51	-2.544
Average ES Salary. Average GS/GM Salary. Average GS/GM Grade.	⊕ ©	(\$102,683) (\$52,002) (13.4)	J	(\$105,957) (\$54,244) (13.5)	•	(\$105,957) (54,237) (13.5)		
		ř						

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Antitrust Division Salaries and expenses Jenety of Regulternis by Grade and Object Claus

Direct:								
Object Class	Vorkyears Am	Amount	1993 Estimated Workvears	Amount	1994 Request	Amount	Increase/Decrease	S TASS
11.1 Full-time permanent	\$4n	\$15,644 1,719 375	30 02 3	1,455	3008	\$13,115 1,475 734	ኡ : : :	202
Total, workyears compensation. Personnel benefi Benefits to form	450	5,76 5,709 11.	455	6,238 30,238 30	20	15,324 6,998 30	15-	539
		288. 288. 288.		1,561 398 6,635 74		1.56 1.96 1.98 1.98		:08:
		2,239 246 7,365 1,408		2,171 284 7,793 718 265 44,626		2,250 7,684 744 744 152 153		\$2.8 % <u>1</u>
Relation of obligations to outlays: Obligations: Obligated balance, start-of-year Adjustments in expired accounts.		44,773 1,941 1,933 691		44,626 14,333 -9,560		44,817 9,560 -11,906		
Outlays		41,690		46,399		42,471		-

The 1993 estimate reflects the current use of funds. The Division was not able to make these changes in the President's budget due to an agency—eide "lock—out" to this column in the OMB Budget Preparation System (8PS).

 \mathbb{P}_{N}^{-1}

	Positions & Amount Positions & A	3 \$220	-: :	3 289	::	: ::	3 289	
	Amount Amount	\$16,569	#£	16,166	::	; %E	16.275	(\$107,848) (\$54,360) (13.5)
858 ₁	1994 Request Poststions & Mortwests	159	: *	151	::	: ~-	154	
es and Object C is)	depunt	\$17,583	#£ :	11,11	::	: 28	17,220	(\$107,848) (\$53,991) (13.4)
Antifrust Division Salaries and expense Sustantials by Grade and Object Class (Oblars in thousands)	1993 Etimete Positions & Morkvars 2 30 30 58 28 28 28 1 1 1 4 4 4	156	: * ?	148	::	: ~-	151	5-
Salari of Regulreme (Dollar	Amount Amount	\$13,835	108	13,391	::	. 97 33	13,500	(\$104,000) (\$53,255) (13.4)
Sumary	Post tons & Motivate Motivate 2	151	; •	143	::	: ~-	146	5-
	Grades and salary ranges Es-ecutive and 11800 ES-5, \$111800 ES-1, \$101800 ES-1, \$101800 ES-	Total, indirect authorized pos.	Pay above stated annual rates Lapse. Savings due to lower pay scales	Net full-time permanent	Part-time permanent: Temporary employment: Other part-time and	intermittent employment Other personnel compensation: Overtime	Total, workyears and personnel compensation	Average ES Salary

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Antitrust Division Salaries and expenses senary of Regulegeness by Grade and Object Class

Indirect (Filing Fees):

Objec	Object Class	Verkyears Actual	Amount	1993 Estimated	Amount	1994 Request	Amount	Increase/Decrea	Amount
=	Full-time permanent	143	\$13,391	\$ <u>.</u>	111,111	151		9	÷
= = - :2	Other than full-time permanent Other personnel compensation	:	109	:"	109	:	109	::	: :
	Total, workyears and personnel compensation	3	13,500	15)	17,220	3	16.275	3	545
2:	Personnel benefits		:		:		:		:
25	denetits to former personnel Travel and transportation of		÷		:		:		:
;	persons		:		:		:		:
;;	transportation of things		:		:		::		::
32	Communications, utilities		:		:		98,		96,
;	and miscellaneous charges		:		:		:		:
•	Frinting and reproduction		::		:		:		:
Ç	CCOCK SOLVICES		325		:		:		:
8=	Supplies and materials		:		:		:		:
;	Total obligations		13,822		17,220		17,275		\$\$

Mr. Moran. We are going to hear from the Acting Assistant Attorney General, John W. Clark, on behalf of the Division. We will put your written testimony into the record in its entirety, and you can summarize it as you would like, Mr. Clark.

OPENING STATEMENT

Mr. CLARK. Thank you, Mr. Chairman.

I am privileged to represent the Antitrust Division here today on the subject of our 1994 budget request. I want to express our sincere appreciation to the subcommittee for its support of our programs in the past.

Like the others who sat here in the last session, I am a long-time career employee and am proud to be a member of a dedicated staff of lawyers dedicated to the strong enforcement of the antitrust

laws.

Mr. Moran. Another honor law graduate?

Mr. CLARK. I am not, Mr. Chairman.

Mr. Moran. You are going to get preferential treatment from

Mr. Rogers over there.

Mr. Clark. I came to the Antitrust Division after three years in the Army Judge Advocate General Corps. I actually applied under the honors program and I was told that I was not eligible because I was already active in practice, notwithstanding that I was in the Army.

I must say that I fully support the program as well. We, too, depend on the honors program for most of our new lawyers, and we

find it very, very good.

We have been very busy on several fronts. The most significant single component of our activities is our criminal antitrust enforcement, which has a very salutary and in many ways incalculable effect on antitrust violations, as well as keeping prices competitive.

On the civil side, we are also active in several ways. In merger enforcement, we are involved in banking and financial markets, in the realignment of the defense industry, in health care issues, and

in competition advocacy before regulatory agencies.

We are also active internationally on several fronts. Antitrust in the international arena is, obviously, very important to the maintenance of a level playing field in the international markets. Also, we provide assistance to countries undergoing the development of market economies in Central and Eastern Europe and in other

places such as Latin America.

Our request, as you have said, is for \$62 million, which includes 616 positions and 550 workyears. And, of that, 28 percent is from Hart-Scott-Rodino filing fees. Those fees are somewhat uncertain in that we don't know from year to year whether filings will be greater or fewer in number. At the end of the fiscal year, sometimes we are presented with some difficulty if, in fact, filing fees do not meet projections, but we do expect that for 1993 the filing fees will be at the necessary \$16.9 million.

To return just briefly to some of our activities. As I said, the single most significant activity is the prosecution of cartel activity, that is the prosecution, mostly criminal, of conduct such as price

fixing and bid rigging. We have uncovered such conduct in several areas in our economy, including school milk contracts.

PRICE FIXING

We had a major price-fixing case in industrial hardware, in metal containers and, significantly, in goods and services procured by the Defense Department. In just that area alone, in the past few years, we have convicted approximately 200 defendants. Fines and damages arising out of that effort have totaled more than \$51 million.

Only a couple of months ago in that price-fixing case that I mentioned, we obtained the largest criminal fine that has ever been assessed for a single Sherman Act violation. That was \$8 million.

Mr. Moran. What was that for?

1

Mr. Clark. It was a criminal price-fixing case involving architectural hardware, and it was national in scope. After the trial, some of the individuals were acquitted, but the corporations were convicted. And after a long hearing on sentencing, which in itself was very complex, the judge assessed this record-breaking fine.

In this area, we are increasingly dependent on cooperation with other Federal and State agencies. For example, we cooperate with the Department of Agriculture in our very significant effort in prosecution of bid-rigging in school milk contracts. We cooperate with the Department of Defense in such things as defense industry mergers and with State antitrust agencies in a variety of ways.

MERGERS

A second important component of our antitrust activity is the preservation of a competitive market structure, and an important part of that is a strong merger enforcement program. In 1992, we and the Federal Trade Commission jointly issued new horizontal merger guidelines. This was the first time that two Federal antitrust agencies jointly issued enforcement guidelines.

Within the past year we have successfully challenged mergers in banking, airlines, oil field equipment, industrial pumps, and in

semiconductor manufacturing equipment, among others.

Bank mergers have been particularly an item of interest for us. There seems to be a trend toward large bank mergers. We cooperate closely with the Federal bank regulatory agencies, and we have been able to resolve those bank merger cases that present competitive problems without the need for litigation. We have been able to enter consent decrees that provide for substantial divestitures.

Perhaps the best example of such a case was the one last year involving Bank America Corporation and Security Pacific Corporation. It was, in fact, the largest bank merger ever proposed, but it presented competitive problems in five western States. Those problems were resolved by means of divestitures, and the merger was permitted to go forward. There were divestitures of some 211 banking offices that had a total of about \$8 or \$9 billion in deposits, and \$3 or \$4 billion in commercial loans.

As spending in the defense industry declines, there will be an increase in mergers of defense contractors, and those transactions are, obviously, quite difficult to analyze. They are unique and re-

quire significant cooperation between us and the Department of Defense.

We reviewed two such mergers last year. With the help of DOD and other government agencies, we concluded that those transactions were not anticompetitive and should not be challenged, and

they were permitted to go forward.

The Division continues to be active in the health care field. Last year, we brought a criminal price-fixing case against two manufacturers of generic prescription drugs. We successfully brought civil cases against unlawful agreements by health care providers that have the effect of raising fees or collectively refusing to deal with managed care providers.

I should hasten to add, however, that the vast majority of mergers and joint ventures involving health care providers are not competitively problematic and are not challenged by the Division.

We have been engaged in several new initiatives in the last year. In our suit against Salomon Brothers for price-fixing in government securities markets, we employed the little-used Section 6 of the Sherman Act to obtain civil forfeitures in that case alone of some \$28 million.

We successfully brought a criminal and civil monopolization case under Section 2 of the Sherman Act in the power grid tube industry. The defendants in that case paid a \$3 million civil settlement and a \$1 million criminal fine. This was the first such monopolization case in about 10 years.

This past March we filed and settled a civil resale price mainte-

nance case, also the first case of that kind in about 10 years.

Our docket is full. We review an average of about 130 pre-merger filings each month. We don't see any relief from that workload. There is new legislation that would extend the terms of the National Cooperative Research Act to joint production ventures, and we expect that we will be reviewing filings made pursuant to that legislation, if it indeed is enacted, and we will have to absorb that work as well.

INTERNATIONAL INVOLVEMENT

I mentioned our activity in the international field, and I will just

briefly describe it. It covers many fronts.

We have had discussions with officials in the Japanese Government for the purpose of encouraging them to be more aggressive in enforcing their own competition laws. They have agreed, in fact, to do so. They have increased the staff of their Fair Trade Commission (FTC), which has the responsibility for enforcing their competition laws. They have become more aggressive in that regard, including now beginning to file criminal prosecutions.

In 1991, we and the FTC signed a Bilateral Assistance Agreement with the Commission of the European Community, which provides that the parties will cooperate with each other in the en-

forcement of their domestic competition laws.

Finally, we have been quite active in cooperating with governments in the emerging market economies of Eastern and Central Europe. Through a grant by the Agency for International Development, we have been providing several kinds of assistance to these

governments as they begin to privatize their economies, enact competition laws, and begin to enforce them.

We have responded to similar requests from countries in Latin

America and in Africa.

ENFORCEMENT OF AT&T CONSENT DECREE

Finally, we have continuing responsibilities in other important areas, including the enforcement of the AT&T consent decree. The issues that arise under that decree are complex, both factually and legally, and quite important to the telecommunications industry. There are constant requests for modifications or waivers to the decree, and in many cases we join in such requests because we conclude that those modifications would increase competition in the markets affected.

Recently, we successfully prosecuted one of the Bell operating companies under this decree for a criminal violation of the decree and obtained a \$1 million fine.

So this is just a brief summary of our work. It is going to be ever more important as markets become more complex that cartel activity is punished and deterred, that anticompetitive mergers are prevented, that government regulations are not unduly restrictive, and that international markets are influenced by comprehensive and fair antitrust laws.

I will be happy to respond to your questions.

Mr. Moran. Thank you, Mr. Clark.

[The prepared statement of Mr. Clark follows:]

DEPARTMENT OF JUSTICE ANTITRUST DIVISION

STATEMENT OF JOHN W. CLARK
ACTING ASSISTANT ATTORNEY GENERAL
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here in support of the Antitrust Division's 1994 budget request.

I want to express the Antitrust Division's sincere appreciation for the support this Subcommittee and the Congress have given to our antitrust enforcement program. Vigorous enforcement of the antitrust laws is the surest means of protecting competition, the key component of our free-market economy. A competitive economy promotes innovation and strength in domestic and international markets and protects consumers from unreasonable restraints of trade or the abuse of market power. We are firmly committed to strong and effective antitrust enforcement as a means of preserving and strengthening our competitive economy in an era of increased international competition.

1994 BUDGET REQUEST

For 1994, the Division is requesting a direct appropriation of \$44,817,000 and an additional \$17,275,000 funded from filing

fees under the Hart-Scott-Rodino premerger notification program for a total program level of \$62,092,000. This funding level provides a net increase of \$566,000. It also includes a decrease of three percent in non-personnel administrative costs.

The original 1993 authorized workyear level for the Division was 604. This will be reduced by fifteen workyears through 1993 and 1994 in accordance with the President's program to reduce the number of Federal employees. An additional reduction of 39 workyears will be made in order to remain within our 1994 budget authority. We expect that these reductions will be accomplished through employee attrition and early retirement authority. We plan to maintain our current level of effort in our ongoing programs through improved efficiencies.

HART-SCOTT-RODINO PREMERGER FILING FEES

The Division's 1994 budget request increases our reliance on Hart-Scott-Rodino fee collections from \$16,900,000 to \$17,275,000. This constitutes approximately 28 percent of our total budget authority. If merger activity during the period is consistent with that of 1992 and the first half of 1993, the total number of filings should support this higher level of fee reliance.

1172/EXE

OPERATIONAL RESPONSIBILITIES

The Division continues to operate efficiently and effectively. We are fortunate to have a dedicated, experienced staff. With resource constraints in 1994, we will be tasked to set our priorities more tightly. We will continue our cooperative efforts with the Federal Bureau of Investigation, the Inspectors General of various agencies, the United States Attorneys, State Attorneys General, a wide range of Federal, state and local procurement officials, and others as appropriate. Through both its own and cooperative efforts, the Division will continue to enjoin business practices that harm competition, cost taxpayers money, and injure consumers. Following is a brief discussion of our recent accomplishments and plans for the future.

PREVENTION AND PUNISHMENT OF CARTEL ACTIVITIES

Criminal antitrust enforcement continues to be a major priority for the Antitrust Division; it serves to punish those guilty of antitrust violations and deter future violations. We use every means at our disposal to identify, prosecute, and punish criminal antitrust violators in order to deter those restrictive practices that most clearly and directly interfere with the operation of free-market forces. We will also continue to investigate and aggressively prosecute price

fixing, bid rigging, market division and other variants of cartel behavior.

During 1992, the Department filed 78 criminal antitrust cases involving 64 corporations and 65 individuals. As a result of these and other criminal antitrust cases filed in previous years, we obtained judgments of more than \$23 million in fines and settlements in 1992. This amount has already been exceeded in 1993, as our criminal fines to date exceed \$27 million. Our investigations involved a broad range of industries, large and small. Our efforts reached diverse areas of commerce -- examples include industrial hardware, school milk, metal containers, and waste management.

A major focus of our criminal enforcement program continues to be an intensive probe of bid rigging and price fixing in connection with government procurement. Currently, 80 of our 146 open grand jury investigations involve Federal, state or local government procurement programs.

Many recent criminal cases have involved bid rigging in the sale of milk to schools. To date, we have filed 91 criminal cases against 49 corporations and 62 individuals, obtaining convictions and fines of approximately \$36 million in school milk conspiracies. These cases have also resulted in civil damages of \$8 million, excluding damages being pursued by the

states. Many of these investigations have been conducted in cooperation with state antitrust officials, and demonstrate increased cooperation among our respective agencies. States have also followed our efforts with prosecutions of their own. An example is the filing by the Commonwealth of Virginia of criminal charges against several dairies in Virginia. The potential for fraud in this area came to light following our recent milk prosecutions.

The Division also is investigating health care issues in several states. As health care costs are rapidly increasing, it is essential that markets for health care services function competitively. Our efforts to uncover and challenge antitrust violations in this field help ensure competitive prices and choice for health care services. An example involved the Massachusetts Allergy Society, Inc. and four individual allergists in Massachusetts. The complaint alleged that the defendants participated in a conspiracy to fix and raise the fees paid for allergy services by certain health maintenance organizations in Massachusetts. According to the complaint, the Society acted as negotiating agent to obtain higher fees from certain HMOs for allergy services, resist competitive pressures to discount fees, and develop and adopt a fee schedule for the Society to use in negotiating higher fees from certain HMOs. In May 1992, the court approved a consent decree forbidding such conduct in the future.

Another important victory for the Antitrust Division was the joint Department of Justice/Securities and Exchange Commission civil settlement with Salomon Brothers, that arose out of the defendants' anticompetitive actions in the government securities markets. The Division, as part of this settlement, received \$27.8 million from Salomon in September 1992. This \$27.8 million asset forfeiture was the largest civil penalty ever received by the Antitrust Division and the largest payment to the Department's Asset Forfeiture Fund in 1992.

Efforts to deter price fixing and other antitrust violations are not only critical to our mission but provide a good return on taxpayer dollars. Effective antitrust enforcement saves the Federal Government, as well as private consumers, considerably more than the cost of program operations. As the direct result of the enforcement activities of the Antitrust Division in 1992, slightly more than \$58 million was assessed in criminal fines, civil penalties and damages, and asset forfeiture. This is almost 29 percent more than the Division's 1992 direct funding of approximately \$45 million.

MERGER ENFORCEMENT AND MONOPOLIZATION

Enforcement of the antitrust laws against anticompetitive mergers and acquisitions continues to be another of the Division's major priorities. To help ensure that domestic and international markets remain competitive, it is vitally important to proscribe mergers that may enable firms to abuse market power—either by raising prices or reducing output. At the same time, however, our laws should not needlessly interfere with mergers that enhance efficiency and competition.

Among the enforcement activities that have consumed significant resources have been our reviews of several large bank mergers. For example, in 1992, the Antitrust Division investigated the merger of Bank America and Security Pacific, the largest bank merger in American history. The two banks competed extensively throughout five western states, and overlapped in over 100 separate geographic markets. After an extensive investigation, the Division negotiated a resolution of competitive problems involving divestitures by Bank of America of 211 banking offices with approximately \$8.7 billion in deposits, as well as \$3.3 billion in commercial loans and other assets, to preserve competition in the affected markets.

The preliminary screening and evaluation of all premerger notifications filed with the Department pursuant to the

premerger notification provisions of the Hart-Scott-Rodino Act is a resource-intensive task. During 1992, we reviewed an average of 130 merger filings each month. Those reported transactions that may threaten competition are thoroughly investigated. When a transaction violates the antitrust laws, we do not hesitate to challenge it. On our own initiative or on the basis of third-party complaints, we also investigate mergers and acquisitions that are not subject to Hart-Scott-Rodino reporting requirements.

In 1992, the Division reviewed over 1,500 premerger notifications and initiated 87 merger investigations. We challenged four proposed mergers and acquisitions in court. Four additional transactions were restructured as the result of the Division's announced intent to challenge them. In addition, in 1992 the Division filed three cases alleging violations of Section 7A of the Clayton Act, which requires notification to the Division of proposed mergers. Civil penalties totalling \$2,000,000 were paid in 1992 as a result of such cases. In 1993 to date, we have already filed four merger cases, and three additional transactions have been restructured as a result of our announced intent to challenge them in court.

Full-scale merger investigations present very complex and difficult analytical issues. We see no reason to expect a decline in mergers under current economic conditions. Indeed,

we anticipate that bank mergers, including mergers of banks in direct competition with one another, will continue at the current high rate. Moreover, we anticipate an increase in activity in mergers in the defense industry. Given the end of the Cold War and the decline in defense spending, many defense contractors are merging or selling off portions of their businesses. It is imperative that we maintain adequate investigative resources to ensure that these markets remain competitive.

Another significant merger enforcement accomplishment during 1992 was the issuance of joint merger guidelines with the Federal Trade Commission. Previously, the Department and the FTC issued separate guidelines, a source of some concern to the business community. Development of joint guidelines required the expenditure of a great deal of time and effort by the two agencies. The resulting guidelines represent a consolidated statement of federal merger enforcement policy that will contribute to sound decision-making by firms considering mergers and acquisitions, ultimately contributing to the efficiency and competitiveness of the American economy.

The new guidelines reflect a fact of life in merger enforcement: merger analysis is ever more complex and difficult. Courts now require in-depth inquiry into the future effects of mergers. The new guidelines incorporate several new

concepts into the analytical process, including particularly a method for inquiring into specific competitive effects of mergers. This greater complexity will require the continued commitment of significant resources to the task.

During 1992, the Division filed a civil antitrust complaint against a joint venture that had monopolized the power grid tube industry in the U.S. This was the first case brought under the Sherman Act Section 2 (prohibiting monopolization) in almost a decade. The civil charges were settled, with the defendants paying damages of \$3 million. The defendants also pled guilty to a criminal charge and paid a \$1 million fine.

COMPETITION ADVOCACY

Unwise governmental restrictions on competition may adversely affect consumer welfare, while decisions by our government that avoid impeding competition or that actively encourage competition in an industry can have far-reaching beneficial effects. It is important that we continue to identify issues in areas of our economy where regulations are unnecessarily impeding competition. Where such unwarranted restrictions exist, the Division seeks to remove them to enhance efficiency, benefit consumers, and foster the competitiveness of American businesses in world markets.

To attain these ends, we have reinvigorated and expanded our competition advocacy program. Recent filings before various federal regulatory agencies have involved airlines, telecommunications, milk marketing, trucking, ocean shipping, and energy markets.

We commented extensively on proposed additions and modifications to the Department of Transportation's (DOT) airline computer reservations systems rules to benefit airline competition and consumers, and we were pleased that, in its final rule, DOT incorporated our comments and preserved the procompetitive rules that the Division has advocated since 1984.

exchange access, we strongly supported the Federal

Communications Commission's (FCC) efforts to allow new

transport providers greater interconnection rights (access) to

local telephone company facilities for the provision of special

access services. The Division has also supported further

rulemaking action by the FCC to extend this concept to other

local access services in order to increase competition to the

extent practicable in local telephone markets. We have also

participated in Department of Agriculture proceedings in an

attempt to reduce regulation that unnecessarily increases the

price to consumers of milk, navel oranges and lemons.

In addition to the Division's enforcement activity in health care, the Division is an active participant in the ongoing process of health care reform. The Division is participating in the White House Task Force on health care, and last year upon our initiative an interagency working group on health care was formed, consisting of representatives from the Antitrust Division, the Federal Trade Commission, and the Department of Health and Human Services.

The competition advocacy program is a direct and effective means to promote competition across entire industries. We expect it to continue to yield significant benefits to consumers in those areas in which there remain regulatory impediments that inhibit or preclude full and open competition.

INTERNATIONAL POLICY

One additional area that has featured prominently in our efforts during the past year is international antitrust policy. Among the important issues facing the Division now and in the future is the role of competition policy in the establishment and preservation of open and competitive international markets among the nations of the world. As a member of an interagency team, the Division has actively participated in bilateral discussions with Japan to identify and solve structural problems in Japan that impede trade and

balance-of-payment adjustments. As a result of these talks, the Japanese Government made a number of commitments to strengthen the enforcement of its antitrust laws so as to eliminate unlawful exclusionary practices. Although much remains to be done, the Division believes that there has been tangible progress. We are encouraged by these developments and intend to continue our efforts in these areas.

In addition, as political and economic changes have accelerated in Central and Eastern Europe and the former Soviet Republics, government officials in the newly-democratic countries have sought our advice and assistance on a variety of competition policy matters, including privatization of many governmental endeavors and ending state-run or approved monopolies. In close cooperation with the Department of State and the Agency for International Development, our staff and that of the Federal Trade Commission have been working with our counterparts from Central and Eastern Europe and the former Soviet Republics to help them realize the benefits available both to their citizens and to firms world-wide through greater reliance on market mechanisms and competition. These efforts promise a large return on taxpayer dollars. The Division also shares its technical expertise upon request with antitrust officials of other countries, such as Mexico, Venezuela, and

Brazil, that are engaged in a process of economic liberalization in which competition will play an important part.

The Division also has strengthened its close working relationship with its counterparts in the European Community, Canada, and other countries with a strong commitment to antitrust principles. The adoption and enforcement of sound competition rules by our trading partners benefits U.S. businesses by helping to provide favorable conditions for competing with foreign firms in both domestic and export markets.

CONCLUSION

I hope this description of the activities and priorities of the Antitrust Division will show that our efforts, both at law enforcement and promoting competition, are providing significant returns. We are fully committed to our mission of ensuring that our markets remain competitive so as to enhance the welfare of our citizens and the ability of our firms to compete in world markets.

Mr. Chairman, I would be happy to address any questions that you or the other members may have.

HEALTH CARE, BASEBALL, AND CONCERN ABOUT JAPAN

Mr. Moran. I have a number of questions, particularly with regard to the health care industry. That might impact some of the

proposals that will be forthcoming shortly.

I also wanted to ask you about baseball antitrust status. And your point about Japan seems unbelievably Pollyannaish, to be honest. It seems to me that they epitomize just the kind of collaboration and collusion that we are trying to prevent.

Maybe not all of it is bad. Certainly successful in their economy, but it is not what the American vision of a free market enterprise and capitalism is all about. I don't see any progress being made in

terms of what Japan is about.

But, anyway, all of that notwithstanding, I don't have any time to ask any of these questions because I have a meeting with another committee Chairman at 3:30. I am going to ask the Ranking Minority Member, Mr. Rogers, if you would want to ask your questions now. And I understand Mr. Smith is going to join us shortly. Thank you, Mr. Rogers.

HEALTH CARE PRICE FIXING

Mr. Rogers. Thank you.

Mr. Moran. Thank you, Mr. Clark.

Mr. Rogers. Mr. Clark, thank you very much. As the Chairman indicated, he had some questions about health care. It appears that a primary focus of your investigations involve fee-fixing in the health industry. What have you uncovered so far? How widespread in the properties of the firing?

is the practice of fee-fixing?

Mr. CLARK. Well, that is very difficult to say. Certainly, it is the thing that we look for most often. It is the conduct, whether in health care or in any other market, that is most unambiguously bad, and when we find it we will be very aggressive about prosecuting it.

We have, as I said, brought some cases that have involved such conduct. For example, a case involving the Massachusetts Allergy Society, which we alleged agreed to raise and fix fees to certain

HMOs in that part of the country.

I should say that, while we are very aggressive about trying to find such conduct, it is not terribly common that there is overt, explicit, price-fixing. There are other arrangements that may contribute to such a result, and those are more ambiguous and more often considered under what we call the rule of reason. But I can say that fee-fixing is the single, most unambiguously harmful conduct in health care and in any other market and the one that we most aggressively seek out.

Mr. Rogers. Is it limited to certain parts of the health care in-

dustry or certain parts of the country?

Mr. CLARK. I would say not, Congressman. There is a brave new world in the health care industry. Providers are being asked, and indeed being told, to be more efficient and to respond in a competitive market by charging competitive fees. In some cases, those responses have taken the form of collaboration, whether in an overt, explicit way, or perhaps through the formation of organizations,

mostly for the purpose of dealing collectively with third-party

payers.

Where it is explicit and unambiguous, it will be prosecuted criminally. More often, it is more ambiguous, and then it is required of us to analyze the conduct and to determine whether, in fact, it is procompetitive or not or if there are anticompetitive aspects of it, whether they could be abandoned without losing whatever procompetitive effects are generated by the integration.

ASSET FORFEITURE

Mr. ROGERS. Now, on the Salomon Brothers case, did I understand correctly that you utilized the asset forfeiture statutes to obtain that \$27.8 million?

Mr. CLARK. Yes, we did.

Mr. Rogers. As part of the civil settlement?

Mr. Clark. Yes.

Mr. Rogers. Is that part of a new practice?

Mr. Clark. Yes, it is. Notwithstanding that the law itself is 100 years old, Section 6 has not been broadly applied. It is somewhat arcane in that it requires, first, that property be owned or a part of any contract that relates to Section 1 of the Act, and that, secondly, it "is in the course of transportation from one State to another".

One does not normally think of antitrust violations in that sense. In this case, it seemed quite appropriate for us to apply this provision. We will be alert for the opportunity to do so in the future, but I would say that we would not expect for it to become commonplace.

Mr. Rogers. Did you receive any proceeds from those seized

assets?

Mr. CLARK. We did not. We have requested from the Department an allocation of some \$650,000 for application to our computer equipment improvement operations, but at this point we have not received it.

DEFENSE MERGERS

Mr. Rogers. Now, on the defense mergers which you mentioned in your testimony. We have a shrinking defense budget and defense industry, how do you balance the need for competition in that atmosphere with the desire to maintain a defense manufacturing capability in an increasing market?

Mr. Clark. Well, defense mergers are unique for several reasons. But the antitrust laws and, in particular, the merger laws, are sufficiently flexible so that we can take into account those unique fac-

tors.

It is true that in analyzing mergers, it is relevant to us that one or both of the firms may be in financial difficulty, that the demand in the industry is declining. It may be the case that the merger creates efficiencies. Those issues are quite important and relevant and are always considered by us, so that after consideration of all of those factors, it appears that the merger should be approved. Notwithstanding that there may be some anticompetitive effects from it, the law would, in fact, require us not to oppose them.

I would add that in the case of defense industry mergers it is absolutely imperative that we work closely with DOD. There is but one purchaser in this market, and it is DOD. Their requirements and their expertise are vital in our consideration of these mergers.

FOREIGN MANUFACTURING

Mr. Rogers. How does the subsidization of the foreign defense

industry play a role in your decision making?

Mr. CLARK. I must say that up until now it has not been specifically a factor in our analysis. I think that our method of analysis is sufficiently flexible so that if it were to be relevant or important we would take it into account. Certainly in any merger analysis we consider not only competition from domestic sources but also from abroad.

Mr. Rogers. Well, speaking of foreign manufacturing, last year, I think it was, there was a good deal of discussion about whether some of our trading partners were adequately rooting out antitrust violations at home. I am not sure whether this question was ever decided or not, but let me ask you. Do you think that we have the authority to prosecute, particularly in the case of the Japanese, companies doing business in this country who at home would be in violation of U.S. antitrust laws?

Mr. Clark. The U.S. antitrust law does extend to conduct committed abroad that would violate U.S. law. The substantive tests are the same. The conduct that violates U.S. law—for example, price-fixing—if conducted here, would violate U.S. law if conducted, for example, in Japan. The statute requires, however, that such conduct, and I quote, "have a direct, substantial and foreseeable effect on export trade of a person engaged in such trade in the United States." And so there are those jurisdictional requirements.

There are some other jurisdictional and practical requirements or limitations toward applying our law to conduct committed abroad. They include obtaining personal jurisdiction over putative defendants, where there must be sufficient contacts by these foreign entities in the United States so that our courts have personal jurisdiction over them. There are practical, evidentiary problems associated with prosecuting conduct committed abroad. Sometimes it is simply very, very difficult to obtain the evidence necessary to successfully prosecute such conduct.

Finally, unique to such international activity is the doctrine of comity. The notion that the United States must take into account the interests of foreign governments in applying our laws and vice versa. This is a long-standing, well-recognized principle of law that would apply to these cases. With all of those limitations and caveats, our law can extend to conduct committed abroad that violates

U.S. antitrust laws.

Mr. ROGERS. Well, have there been any prosecutions such as you have talked about here?

Mr. CLARK. Recently? Yes, and no.

There is conduct committed abroad that affects U.S. consumers, and it is not uncommon, for example, that there would be agreements in Europe fixing prices to U.S. customers. That is a clear violation of law, and we have prosecuted cases of that kind.

There may also be conduct committed abroad that affects U.S. exports only. Our law can cover such conduct under the conditions that I have just outlined. Those cases are more rare and much more difficult to prosecute. And in recent years there have not been such cases. But as I have said, we believe the law does apply to them, and the Division would always be interested and eager. indeed, to enforce our laws under those circumstances.

JAPANESE ANTITRUST ENFORCEMENT

Mr. Rogers. What success have you had in convincing the Japanese to enforce their own antitrust laws?

Mr. Clark. Well, the Chairman was absolutely correct in being somewhat skeptical about our success, though we have had some. There have been ongoing negotiations with the Japanese that have resulted in a strengthening of their domestic antitrust enforcement.

Is there more to be done? Absolutely. It is a matter of negotiation, of persuasion, and we are doing everything we can to be ever

more successful in that regard.

Mr. Rogers. Well, I just personally think it is one weapon that has not been used to open up foreign countries to our trade, in particular Japan, and also it has not been used to stop price-fixing of products sold in this country and manufactured abroad. We all know it happens. The cases are pretty blatant. And if you are looking for a case, I don't think you need go further than reading the newspapers.

Now, there may be some political constraints or other practical considerations, as you have suggested. But I wouldn't think that would be a major problem, given the significant points of contact that those companies have over here as it relates both to opening their markets up for us as well as price-fixing on their products over here. How does what you do in that respect—or could do in that respect relate to the anti-dumping statutes and those types of remedies available through other—

Mr. Clark. Well, I do think that antitrust enforcement is an antitrust law and not a trade law. It would be overly optimistic if, in fact, we thought that through the advocacy of the antitrust laws we could achieve goals that are more properly addressed in our trade laws and application of them.

To the extent that antidumping, countervailing duty and other trade remedies are available, they are usually more effective in achieving parity, to a level playing field, and elimination of improp-

er supports and benefits to exports.

So I think the two regimes are not entirely coincident. They are designed to achieve different purposes. But where they can be a part of a single policy, then that, of course, is something that we should try to do.

Mr. ROGERS. Well, I don't want to get off the main track. That is

a side issue.

The actions of corporate executives in Japan were done in this country, you would jump on them with everything you have got. If they were American companies doing what some overseas do all

the time, you wouldn't waste a second. In fact, there would be a clamor for you to act.

Mr. CLARK. Let me add one other point. Perhaps Neil Roberts,

who works in this area even more than I, could elaborate.

To the extent that foreign governments themselves are involved in such conduct, either directly or by compelling it, there is a wellestablished doctrine that would also exclude that from the application of our antitrust laws. So that is another complicating factor that would have to be addressed.

PRICE FIXING BY FOREIGN FIRMS

Mr. ROGERS. I am not talking about the government. I am talking about corporate-world, which is price-fixing. Now, how can we compete in a world like this? Sure, it is a matter of trade, but it is also a matter of enforcing the laws against price-fixing that are supposed to protect the American consumer from artificially high prices, regardless of where the product comes from.

Mr. CLARK. If the prices are fixed artificially high by one of these executives, one would not expect that to benefit them in terms of their exports to this country. Most of the complaints we hear are that prices are, indeed, too low, that they may be, indeed, below cost, which is where antidumping laws and countervailing duty

laws come into effect.

Price-fixing ordinarily is done for the purpose of raising prices artificially above competitive levels.

Mr. Rogers. Let's get back to the main question.

Regardless' if they meet together and fix prices, isn't that a violation of U.S. laws? And if so, why aren't we prosecuting them?

Mr. CLARK. If they meet together and fix prices with respect to products that are sold here and without the participation or compulsion of their government and if we have jurisdiction over them—I regret that I have to place so many qualifiers on it, but that is the state of our law.

POWDERED METALS PROSECUTION

Mr. Rogers. Surely there has been an instance where that has happened over the last several years.

Mr. Clark. There is, and we have prosecuted it.

Mr. Rogers. Which one?

Mr. CLARK. Just recently, there was a criminal case involving some European firms who fixed prices in something called powdered metals.

Mr. ROGERS. We have never found a violation of the law in Japan?

Mr. Clark. I would have to check on that, sir. I don't know.

Mr. Rogers. Well, you don't have any prosecutions?

Mr. Clark. I can't recall any at this point.

Mr. Rogers. Well, it just seems strange to me that, after all this time, nothing has been done.

Mr. CLARK. Well, I can only assure you that, as I have said, we are quite interested in finding and prosecuting such violations.

Mr. ROGERS. Thank you.

ANTITRUST IN HEALTH CARE REFORM

Mr. Skaggs [presiding]. I just have a couple of quick questions. One of the areas that there seems to be some disagreement about as we struggle with the health care reform package is the need for some kind of antitrust exemption language for collaborative arrangements between hospitals, let's say, to share resources and shift certain services amongst themselves. I wasn't clear, from the fact that you addressed health care issues to some degree earlier, whether you already spoke to that. If you did, forget it. If you didn't, would you?

Mr. Clark. Well, I didn't address that specific point. I did say that most of our efforts in health care are directed toward what we would call unambiguous agreements that raise fees or prices or al-

locate markets.

There is a very, very significant degree of activity in this field among hospitals, and other providers, that results in some combination or joint venture, either to provide a service or to purchase products for services. That conduct is certainly not always illegal. It is almost always legal. We have never brought a case involving, for example, a joint venture by hospitals to purchase some particularly expensive and high-tech equipment such as MRIs.

There has been a lot of talk about hospital mergers and about how we may be chilling beneficial mergers of small hospitals. We have never sued a hospital merger involving hospitals smaller than

100 beds or in a community smaller than 200,000.

Mr. Skaggs. We used to hear in law school—if I could put a hypothetical to you—and I am really speaking more prospectively rather than what your current operating practices are—if we had a community of, you know, hospitals A, B and C who got together and said, in order to provide the most efficient, cost-effective services to this community, hospital A will take all of our obstetrics cases, hospital B will do all the open heart work, and hospital C will have a fancy diagnostic area. And we all agree to bill the same respective patients for those respective services. Some of the same things that I think some of the reform proposals contemplate. How does that set with you?

Mr. CLARK. We would have to evaluate it under what we call the

rule of reason. It is not obvious whether it is lawful or not.

The first thing we would do is look at this market, how big it is, how many hospitals are there and, with respect to these services, what is the state of competition. If, indeed, it is possible only to provide very expensive and unusual services by means of such a joint venture, then there is nothing wrong with it.

If, on the other hand, we might determine that there is a division, for example, of OB on the one hand and some other relatively common service on another for reasons that are not related to efficiencies but, in fact, might be related to a desire to increase fees and to eliminate competition, then that is, quite possibly, bad.

That is the rule of reasonableness that I was talking about. It is

somewhat complex.

If I may say, sir, there may be some misperceptions about antitrust in health care. There may be a feeling in that community that antitrust is more restrictive than, in fact, it is. My point would be not that one needs new laws to fix that. We need better information, education, and more responsiveness on our part in being able to answer questions of this kind and to provide advice so that the community can make lawful and responsible decisions.

PRE-MERGER FILINGS

Mr. Skaggs. I take it from the information I have that you are expecting a substantial and increasing number of filings for-or prenotification of filings under-Hart-Scott-Rodino. And, also, do you get filings under Stevenson-Wydler, I think, of it——

Mr. Roberts. No, not under Stevenson-Wydler.

RESEARCH AND DEVELOPMENT JOINT VENTURES

Mr. Skaggs. Or any of the other changes we have made in approving expanded joint venture in R&D work?

Mr. Roberts. We do get filings under the National Cooperative

Research Act (NCRA) of 1984.

Mr. Skaggs. And are those the subject of a pre-approval? Or is it

just a noticed filing?

Mr. Roberts. It is just a notice filing. If we take a look at a given filing and have some antitrust qualms about it and want to do a preliminary investigation or a full-scale investigation, then we will go ahead. That is on a separate track from the filing procedure itself which results in a publication in the Federal Register and certain damaging protection benefits.

Mr. Skaggs. Is all that working pretty well as far as you can

tell?

Mr. Clark. Yes, it is.

We have never challenged any joint venture that was presented to us under the NCRA, and there have been hundreds.

Mr. Skaggs. Thank you. There will be some additional questions for the record, and we appreciate your testimony. Thank you.

Mr. Clark. Thank you.

[The following quesions were submitted to be answered for the record:

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Antitrust Division

QUESTION: According to your statement, you reviewed over 1,500 premerger notifications, and of these you investigated 87 and challenged or restructured only 8. Is the fact that you had problems with less than 1 percent of all proposed mergers a sign that our corporations are very competitive as far as our antitrust laws are concerned?

ANSWER: Section 7 of the Clayton Act, 15 U.S.C. § 18, is the primary antitrust law concerned with mergers and other types of acquisitions, prohibiting any acquisition "where in any line of commerce or in any activity affecting commerce in any section of the country the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." The premerger notification provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (HSR) require companies to notify the Antitrust Division and the Federal Trade Commission before undertaking certain large mergers or acquisitions, to supply these enforcement agencies with information concerning any such proposed transaction, and to delay consummation of the transaction for a period of time following notification in order to give the agencies an opportunity to evaluate the likely effect of the merger or acquisition on competition.

Most mergers and acquisitions are unlikely to harm competition, and many such transactions are procompetitive. At the same time, a merger of large companies or an acquisition of large quantities of assets may have seriously adverse economic consequences for consumers if it proves to be anticompetitive, and those consequences can be very difficult to correct once the merger or acquisition is completed. Once companies are merged together, or acquired assets are integrated into the operations of the acquiring company, returning competition to the status quo prior to the acquisition may be impossible. The HSR was enacted to give enforcement agencies the opportunity to stop anticompetitive mergers before the opportunity to fashion effective relief was lost, rather than out of concern that a large number of anticompetitive mergers would be discovered. In the view of the Department of Justice, the program has worked very well. The Department has been able to stop or restructure acquisitions that might have had serious anticompetitive effects before they were consummated, without significantly inter-fering with the large number of transactions that pose no competitive concerns. The fact that most proposed mergers and acquisitions pose no competitive concerns, however, provides little if any insight into the overall competitiveness of U.S. companies.

QUESTION: Would you please explain your rationale for shifting 24 positions and \$4.4 million from being funded from fees to a direct appropriation? ANSWER: Although this shifting of resources was included in the base level, it was actually not included in the 1994 President's Budget request. The level of filing fee reliance included in the 1994 President's Budget is marginally greater than 1993. In 1994, the Antitrust Division is requesting a total of 616 positions, 550 workyears, and \$62,092,000, of which 159 positions, 151 workyears, and \$17,275,000 are derived from premerger filing fee receipts. The rationale behind this shift had been to reduce filing fee reliance because changes in the economy could possibly result in a decline in filing fee revenues. If a decline were to occur late in the fiscal year, there could not be enough time to respond to a shortfall.

QUESTION: Do you anticipate increased merger activity as the economy begins to improve, and does it make sense to be reducing your staffing levels by 39 workyears?

ANSWER: The level of merger activity each year is difficult to predict, and it is not clear whether an improving economy will directly result in more merger activity. The cut of 39 workyears in the Antitrust Division's 1994 budget request is necessitated by a \$2.3 million shortfall in the amount available to the Division for increases in costs for such items as rent, utilities, employee payroll costs, communications and the like. The Division does not have the flexibility in its budget to absorb this funding shortfall. Accordingly, the Division is planning to reduce its staffing by 39 workyears in order to operate within its funding We have already begun reducing our staffing authority. through attrition and by imposing a freeze on hiring. We also have just received authority from the Office of Personnel Management to offer early retirement to those employees who are eligible.

QUESTION: Will these staffing reductions result in the delay of proposed mergers, or will it reduce either the overall number of, or the quality of, investigations you will be able to perform?

Answer: We will continue to meet statutory deadlines for premerger reviews and expect that staffing reductions will not result in material delays. We expect that reduced staffing for our merger program will result in a small decrease in the overall number of civil investigations we can initiate. We will have to set our priorities more carefully and manage our cases even more closely than we currently do. With this type of management, we hope to be able to maintain the quality of our merger enforcement program.

QUESTION: Are there any funds in your request to modernise your office automation system? If so, how much and what will these funds be used for?

ANSWER: The Antitrust Division's 1994 budget request contains no funding for modernization of our office automation system. This is a critical area for the Division as we

rely heavily on our computer network for a wide range of purposes, including desktop access to legal and economic data bases, electronic mail and document transmission, and management information reporting, as well as for word processing. Our systems have served us well for many years, enabling us to preserve much of our productivity in the face of the large staffing reductions we have taken. Key components of our automated system are reaching the end of their useful life, however, and system reliability is of great concern.

Working closely with the Department and the Justice Consolidated Office Network (JCON) project in 1992, we installed a Personal Computer Local Area Network in several of our Washington sections. We plan to gradually transition the remainder of the Division to this system as funding becomes available. We are working closely with the Department in development of JCON, and plan to participate in JCON procurements as funding becomes available.

17-18-80

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WEDNESDAY, MAY 5, 1993.

EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

WITNESSES

ANTHONY C. MOSCATO, DIRECTOR

MARY JO WHITE, INTERIM UNITED STATES ATTORNEY, EASTERN DISTRICT OF NEW YORK

STEPHEN R. COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

"MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL CONTROL-LER**

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Skaggs. Moving right along to the United States Attorneys. Good afternoon.

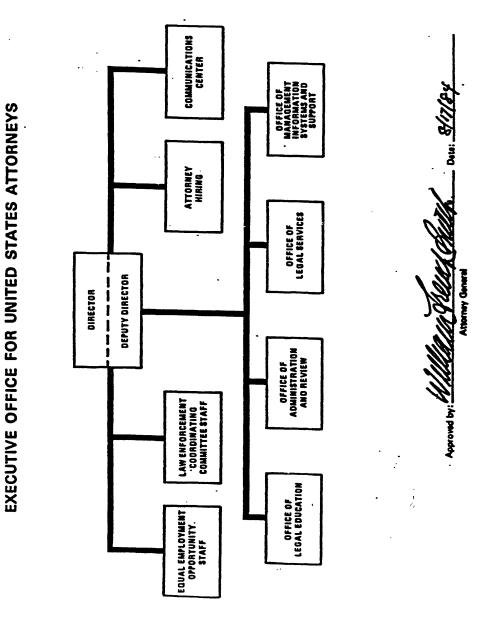
Good afternoon. We will now hear testimony concerning the United States Attorneys, who request \$808,797,000 for fiscal year 1994. We will insert in the record at this point the U.S. Attorneys' fiscal year 1994 budget justification.

[The justification follows:]

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United States Attorneys Salaries and expenses Summary Statement Fiscal Year 1994

The United States Attorneys are requesting, for 1994 a total of 8,239 positions (including 3,898 attorneys), 7,779 workysars, and \$808,797,000. This request represents a decrease of 123 positions (including 62 attorneys), 123 workysars and \$11,614,000 from the 1994 base to meet targeted workysar and resource levels of the Administration.

The United States Attorneys are the principal litigators for the United States Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would illegally further their private interests at the expense of the general welfare, to protect the legitimate powers the Tederal Government from those who would usurp these powers, and to assert policies established by the Congress, the Administration and the Attorney General.

The United States Attorneys' appropriation consists of two budget activities. The first is the United States Attorneys activity and includes four decision units. These are Criminal Litigation, Civil Litigation, Legation, and Management and Administration. The decisions units and major program initiatives are discussed below.

Criminal Litigation

ö Criminal litigation is conducted by 94 U.S. Attorneys' offices, each of which has the responsibility for the investigation and prosecution of a wide range criminal behavior. The United States Attorneys request includes a decrease of 89 positions (including 46 attorneys), 89 workyears and \$8,596,000 to meet targeted workyears and resource layels of the Administration. The <u>Violent Crime</u> program addresses a wide-range of violent criminal behavior, and is closely tied to the <u>Narcotice and Dangerous Drugs</u> program, through Operation Weed and Seed. The U.S. Attorneys will continue to utilize this two-pronged strategy involving the resonal of violent gange, drug dealers and other violent ededers from the commulity, and then assist in providing stimulus for economic reform. In addition, Project Eriggericok prosecutions which target the most dangerous violent offenders are included under this program. Together with the Pederal Bureau of Investigation (FBI), the Drug Enforcement Administration (EM), the Bureau of Alcohol, Tobacco and Pirearms (AFP), and state and local agencies, twenty-seven violent crime task forces have been formed, and in 1992, Operation Weed and Seed programs have been currently expanded from three to twenty cities. The U.S. Attorneys have made a commitment to provide continuing leadership in these innovative efforts.

The <u>Mbite collar crime</u> program is responsible for the prosecution of violators of Federal laws traditionally considered white collar crimes. Bankruptcy test force have forced all several districts in coordination with the U.S. Trustees and the FBI. A variety of chine fraud prosecutions are included in this program. The U.S. Attorneys have experienced an increase of 65 parcent in the number of maters referred for prosecution for Insurance Fraud violations. In addition, criminal prosecutions in appropriate environmental crime cases are a critical component of this program.

The <u>Organized Crime</u> area addresses investigations and prosecutions of those individuals who, as members of organized criminal groups, terrorize their victims through extortion, bribery, kidnapping and murder. This area has expanded in recent years to include not only the more traditional La Cosa Nostra groups, but the alarming emergence of Asian and other ethnic gangs.

<u>Official Corruption</u> is one of the Department's most vital tasks because such corruption corrodes the democratic process and the peoples' faith in their bubbic servants. The U.S. Attorneys have had remarkable success in prosecuting corrupt public officials throughout the country, and the importance of these cases in our overall scheec of government.

prosecute violations of civil rights by The area of <u>Other Crime</u> includes prosecutions of civil rights violations and hate crimes. The U.S. Attorneys, groups exploiting prejudice against people based on race, religion, ethnicity and sexual preference.

ö through the seizure and forfeiture Government <u>Assat Forfetture</u> is the program area where prosecutions result in revenues returned to the Federal Go proceeds obtained through the various criminal activities addressed in the Criminal Litigation area.

the <u>Appeals</u> program area ensures that convictions and sentences obtained in district courts are defended and upheld.

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ivil Litigation

Civil Litigation is conducted by 94 U.S. Attorneys' offices, each of which has the responsibility to protect and advance the interests of the United States government through the conduct of civil litigation. The U.S. Attorneys request includes a decrease of 32 positions (including 16 attorneys), 32 workyesre and \$2,711,000 to meet targeted workyesrs and resource levels of the Administration.

Care The <u>Affirmative Givil</u> program protents the Federal fisc through the conduct of aggressive affirmative litigation including efforts to address Health Car Fraud. Health Care Fraud is growing unchecked and will reach \$100 billion by 1995, congressional investigators concluded in a report obtained by the Associated Press. The fraud may amount to 10 percent of the netion's more than \$700 billion a year spending on health care, investigators concluded. The size of the health care sector and the shear volume of money involved make it an attractive and relatively easy target for fraudulent and abusive providers. A projection by the Health and Financing office for the General Accounting office indicated that health spending will reach \$1 trillion by 1995 and that the should fraud could be expected to grow to \$100 billion.

Other Affirmative Civil Litidation aggressively tracks and litigates fraud against government programs.

In the <u>Debt Collection</u> program, the U.S. Attorneys collect monies from individuals who owe the Federal Government billions of dollars in unpsid civil, erfains individuals and exidence orthins less the program to contain the efforcement and collection by the Federal Government of claims for monetary penalties against individuals and entities who violate the federal civil statutes.

dealing effectively with the growing threat of bankruptcy in 1992. The Bankruptcy program has been a high priority, and has placed emphasis on Bankruptcy filings increased by 20.6 percent in 1991, and continued to soar

anl Education

The Legal Education program is committed to improve the quality of legal representation and services provided by Executive Branch Attorneys and support staff employed by the United States of America. The U.S. Attorneys request includes a decrease of \$38,000 to meet targeted resource levels of the Administration.

Management and Administration

neet The Hanagement and Administration program encompasses all of the Executive Office for United States (EOUSA) with the exception of the Office of Legal Education. The EDUSA provides general assistance and supervision to the 94 United States Attorneys" offices, and coordinates with the other organizational units of the Department under the distinction of the Deputy Attorney General. The request includes a reduction of 2 positions, 2 workyears and \$269,000 to a targeted resource levels of the Administration.

Debt Collection Fund

The second budget activity is the <u>Debt. Collection Fund</u>. This activity was originally funded by the Congress to enhance the provisions of the Federal Debt Collection Procedures Act. The \$2,500,000 appropriation limitation enacted in 1993, which is proposed for continuation in 1994, provides for training Department of Justice personnel in using federal statutes to the fullest extent possible. The fund also allows for services related to locating debtors and their assets and for paying the costs of the Department of Justice for the sale of property not covered by the sales proceeds and for paying the costs of processing and tracking debts owed to the United States Government.

United States Attorneys

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys

For necessary expenses of the Office of the United States Attornays; and for intergovarnmental agreements [including the actoaction of the legal Education program as provided for in Public Law 102-140 (105 Stat. 766), where legal education training shall be provided to Federal and non-Federal available until Stepsember 30, 1094, for the Daystread \$21,500,000 minl be available until September 30, 1994, for the Daystread \$21,500,000 minl be available until September 30, 1994, for the Daystread of Libroriding (2) providing services to the Daystread of Justice related to locating debtors and their property, such as title searches, debtor skiptacing, the costs of the Daystread of Unstice for the ails of property not covered by the sale proceeds, such as auctionesers 'sea and expenses, maintenance and protection of property and businesses, advertising and title search and aurveying costs, and (4) paying the costs of property not autreacted and protection of property and businesses, advertising and title search and aurveying costs, and (4) paying the costs of property of the total amount appropriated, not to exceed \$8,000 shall be available for intiged further. That not to exceed \$10,000,000 of those funds available for automated further. That hot to exceed \$20,000,000 of those funds available ender and propriation to carry out the relocation of the Legal Education program provided for in Public Law 102-140 shall remain available under authorities provided by this Act; provided further, That the Plot Debt Collection project authoritied in Provided in Public Law 99-578 is horeby extended through September 30, 1993, pages provided in Public Law 99-578 is

128 U.S.C. 519, 541-5501 48 U.S.C. 1424, 1617, 1624; Department of Justice and Related Agencies Appropriations Act., 1993).

Explanation of changes

- One-time language making funds available until expended for the relocation of the Legal Education program is deleted.
- One-time language extending the Pilot Debt Collection Project is deleted because the program was authorized to be continued through 1993

 by P.L. 102-195, October 6, 1992. Saction 4 of P.L. 102-589 extended this authority through 1996. A general provision is proposed for 1994 which would permit the Department to centralize the collection of all civil debts under the Working Capital Fund from receipts authorized to be collected from debtors.

United States Attorneys
Salaires and expenses
Crosswalk of 1993 Changes
(Dollars in thousands)

ltion ted	Amount	\$565,536	175,592	30,125	25,709	796,962	1	796,962
1993 Appropriation Anticipated	≨l	5,93	1,940	×	214	6,119	3	6,110
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Congressional Appropriation Actions on 1993 Request	¥	(129)	3	i	3	(140)	8	(140)
ŏ₹`₽	8	(515)	(45)	i	1	(200)	3	(260)
, , , u	Amount	\$599,141	708,77	7,694	26,268	011,010	2,500	813,510
1993 President's Budget Request	¥	6,153	1,072	83	3	9,34	3	6,341
∓ 6 0	8	6,779	2,036	æ	\$	9	11	9,004
	Activity/Program	Criminal Lingation 6,779	Chri Litigation 2,036	Legal Education	Management and Admini- stration	Subtotal	Debt Collection	Total. 9,004

Congressional Appropriations Actions. The Congress did not fund Jequesbed increases for Cirmnal and Chirl (regaine enhancements and an accounting system enhancement.

Transfers From Other Accounts. A transfer of \$22,400,000 from the Asset Fortexiure Fund "Super Surptus" was provided for the relocation of the Legal Education program to Columbia, South Carolina. A transfer of \$6,291,555 from CNDCP was provided for High Intensity Drug Trafficking Areas.

Reprogrammings. A total of 24 positions (non-attorneys) and workyears have been shifted from the Criminal program to the Legal Education (4) and Managament and Administration (20) programs. In addition, the U.S. Altorneys' proposal to reprogram funds into the Debt Collection Fund has been withdrawn due to funding constraints.

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Salaries and expenses
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United States Attorneys
Salaries and expenses
Base Comparison
(Dollars in thousands)

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		Anticipated	red (1994 Base	2		1994 Baseline	line	=	Increase/Decrease	rease
	Ретп.			Perm.			Perm			Perm		
Estimates by Program	Pos.	W	Anount	Pos	WY	Amount	Pos. WY	¥	Amount	Pos.	Pos. WY	Amonat
Criminal Litigation	6,179	616'5	\$565,536	6,179	5,939		6,179	5,792	\$593,020	:	(147)	(\$24,828)
Civil Litigation	1,970	1,940	175,592	1,970	1,940	194,469	1,970	1,889	186,315	:	(5)	(8,154)
Legal Education	27	97	30,125	27	97	7,948	23	74	7,006	:	3	(942)
Management & Admin	98	214	25,709	<u>8</u>	214	32,848	186	197	34,070	-	<u>(1</u>	1,222
Total	8.362	8.119	796.962	8.362	8.119	853,113	8.362	7.902	820.411		(212)	(32,702)

The reduction in the 1994 base of 217 workyears and \$32,702,0000 to meet targeted deficit reduction kwek of the Administration will almost eliminate the temporary personnel employ d in the U.S. Attorney offices thoughout the country. Also, the summer student program will be eliminated. The loss of these employees will hamper legal research and the preparation of legal briefs, two functions currently performed by these employees. This will increase the work of parakegals who are currently directly supporting the attorneys. In summary, case preparation time may be delayed; however, the U.S. Attorneys will continue to support the administration priorities and redirect resources to the highest priority cases, if necessary, to maintain productivity. Narrative Description

United States Attorneys
Reimbursahe Resources
Summary of Requirements
(Dollars in thousands)

		1992 Ac	1992 Actual®	_	1993 Fstimate**	Date		1974 Rec	1974 Request	.5	Crease/D	Increase/Decrease
	g g	≩	Amount	S	¥	Amount	S	¥	Amount	ź	≩	Amount
Collections by Sources:												
Antitrust Division	1	:	\$241	;	:	\$251	•	:	\$251	:	:	I
Bureau of Reclamation	:	:	\$:	Ē	380	1	÷	380	ŧ	:	:
Civil Division	\$	35	3,506	10	۳.	101	:	:	i	(10)	€	(103)
Civil Rights Division	:	:	135	:	÷	19	;	:	ī	ŧ	:	(19)
Criminal Division	:	:	162	i	:	7,	;	:	7,	:	:	i
Department of Energy	:	Ŧ	8 2.	3	;	3	:	:	8	÷	;	:
Department of Health & Human Services	:	:	:	:	i	~	:	ž	:	ŧ	÷	3
Department of Housing & Urban Development	:	:	20	:	:	3,200	:	i	3,200	÷	i	:
Department of the Interior	:	ş	\$:	:	100	:	:	<u>89</u>	:	ŧ	:
Department of the Treasury	:	:	9 6	i	, :	3	:	ŧ	8	ì	÷	:
Environmental Protection Agency	:	:	~	:	ŧ	;	;	:	÷	:	:	i
Executive Office for Asset Forfeiture	:	:	164	:	;	52	;	:	:	1	;	(25)
Executive Office for OCDETF	955	867	74,092	946	626	60082	932	\$16	717,717	Ē	£	(352)
Farmers Home Administration	Ξ	1	700	:	ŧ	:	:	:	:	:	:	ŧ
Federal Bureau of Investigation	;	ì	287	÷	:	503	:	:	i	:	:	(503)
General Services Administration	:	E	*	:	;	297	;	:	23	:	ŧ	(274)
Immigration & Naturalization Service	:	:	-	:	;	;	:	ŧ	i	:	:	ŧ
Internal Revenue Service	:	:	-	:	;	:	ī	:	į	:	:	ŀ
Justice Management Division	:	:	152	:	1	1	;	ŧ	;	:	ŧ	:
Marshals Service	:	:	11.150	:	:	:	:	:	:	:	:	i
National Oceanic Service	:	ŧ	=	:	3	<u>:</u>	:	:	9,	:	:	3
Navy Regional Data Automation Center	:	:	=	:	:	8	:	:	8	:	:	ŧ
Office of International Affairs	;	÷	9 .	:	:	ŧ	:	÷	:	;	ŧ	:
Office of Justice Programs/BJA	:	ŧ	•	:	:	150	ŧ	:	150	:	:	:
Office of the Associate Attorney General	:	:	£.	Ξ	:	:	:	;	:	:	:	ŧ
Office of the Deputy Attorney General	:	;	25	:	:	ŧ	:	;	i	፥	ŧ	i
U.S. Army Corps of Engineer:	:	;	=	:	:	ŧ	:	:	i	:	:	፥
U.S. Customs Service	Ξ	E	149	:	:	124	:	:	124	÷	:	i
U.S. Pustal Service			-	:	:		1	:	77	:	:	

•The FY 1992 actual differs from the galleys and BFS due to actual reimbursements earned and bulled.
•*This amount differs from the FY 1993 Estimate in the galleys BFS due to additional reimbursements received.

(\$1,323)

(24) (17)

6...785

915 932

\$83,572

88

Total

United States Attorneys
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

		1992 Actual	- -		1993 Estimate	mate		1994 Request	rest	ĕ	Increase/Decrease	crease
Obligations by Program:	<u>8</u>	¥	Amount	Pos.	≱	Amount	Pos.	≩	Amount	Pos. WY	≩	Amount
Criminal	:	ŧ	1,015	ŧ	;	1,051	ŧ	i	520	:	i	(1831)
Civil	\$	3.5	15,831	-	₩.	4,005	ŀ	:	3,839	(10)	3	(166)
Office of Legal Education	÷	i	•	ŧ	ŧ	150	į	ŧ	150	I	ŧ	0
Drug Task Force	955	867	74,092	946	676	78,069	932	918	711,777	£	(14)	(352)
Management and Administration	:	:	210	:	:	297	:	:	23	:	#	(274)
Total	888	305	91,154	956	932	83,572	932	918	82,249	(24) (17)	(17)	(1,323)

Jis<u>tification of Increase/Decrease;</u> The reduction in OCDE for FY 1994 is required to meet workyear keek established by the Administration.

The increase in the Department of Housing and Urban Development amount was due to the establishment of the agreement late in FY 1992, therefore, it was only in effect at the end of the fourth quarter. This agreement is for the U.S. Attorneys costs incurred in the litigation of HUD single family mortgage foreclosures.

The reduction in the Civil Division agreement is due to the 10 support positions which were funded for one quarter in 174 1993.

6

United States Attorners Salaries and expense Justification of Program and Performance Activity Reported Summary (Dollars in thousands)

Activity: U.S. Attorneys	1993 A	ppropri	ation	199	Basel i	1994 Baseline	4	994 Esti	Pate.	Inci	Gesse/D	Increase/Decrease	
	Por Pos.	Ħ	Perm. Pos. W Amount	Perm.	၌	Perm. Pos. M. Amount	Perm Pos.	Perm. Poe. Mr Amount	Amount	Pera.	Ħ	MT Amount	
Criminal Litigation	6,179	5,939	6,179 5,939 \$565,536	6,179	5,792	6,179 5,792 \$593,020	060'9	5,703	6,090 5,703 \$584,424	-89	69-	-89 -88,596	
Civil Litigation 1,970 1,940 175,592	1,970	1,940	175,592	1,970	1,889	1,970 1,889 186,315	1,938	1,857	1,938 1,857 183,604	-32	-32	-32 -32 - 2,711	
Legal Education 27 26 30,125	27	36	30,125	27	75	27 24 7,006	27	24	27 24 6,968	:	:	38	
Management and Administration 186 214 25,702	786	317	25,709	786	197	186 197 34,070	184	195	184 125 33,801	7	7	-2 269	
Total 8,362 8,119 796,962	8,362	8,119	796,962	8,362	7,902	8,362 7,902 820,411	6,239	1,779	8,239 7,779 808,797	-123	-123	-123 -123 -11,614	
This budget activity includes resources for the primary mission of the United States Attorneys. Funds for this activity support personnel involved b	urces fo	or the	primary missi	on of th	• Unite	d States /	It torneys.	Punds fo	or this activ	vity suppo	rt pere	onnel involv	5

8 This budget activity includes resources for the primary mission of the volume or exercized and in the field in the prosecution of individuals charged with violations of Federal law in several areas.

CLEAGE	Pos. M. Asount	-\$8,596
SALE/DE	¥	69
Incr	Poe.	60
PA Le	Pos. MT Amount	\$584,424
4 Beti	Ħ	5,703
199	P08.	060*9
ine	Pos. W. Amount	\$593,020
Basel	Ħ	5,792
199	8	6,179
1993 Appropriation Anticipated	Amount	\$565,536
Appropr Anticip	Ħ	5,939
1993	8	6,179
		:
		minal Litigation .
		7

To identify, prosecute, and convict those persons and legal entities who have committed offenses against the laws of the United States. LONG-RANGE GOAL: MAJOR OBJECTIVES

To maintain law enforcement efforts against violent crime by fully utilizing criminal statutes, including statutes that call for enhanced pentities for transcession of firement during the commission of a drug offense or violent crime and, Operation "seed and Seed." to eliminate violent crime frug transcession of during the commission of a drug offense or violent crime and to provide a safe, crime free environment where law abiding citizens can live, work and raise their families.

To investigate and prosecute violations of the civil rights of those residents of the United States who are victims of either Governmental abuse or those groups who perpetrate hate crimes.

To prosecute criminally those who intentionally defile, pollute, and destroy our environment.

To maintain Federal law enforcement efforts against white collar crime involving the interests of private citizens, with particular emphasis on the following areas: a. bankruptcy fraud; b. health care fraud; c. insurance fraud; and d. telemarketing fraud.

To identify, investigate, prosecute and convict those who are criminally involved in: violations of export laws affecting critical technology; and fraud against the United States, with regards to defense programs, housing programs, waste of United States' assets and resources, and abuse of contracts signed with the United States.

To aid victims of crime, to ensure that witnesses in criminal prosecutions are coordinated in a manner most advantageous to the Government, and to comply with the Victim Witness Protection Act and the Crime Control Act.

Coordinating Committees. To maintain a strong and unswerving presence in the appellate courts, ensuring that the convictions and sentences obtained against criminal offenders defended and upbeld. Law Enforcement enforcement agencies through the 74 To promote coordination and cooperation among all federal, state and local

To identify, investigate, prosecute and convict those controlled substances violators whose organizations and conspiracies do not meet Organized Crime Drug Enforcement criteria but whose activities have a major adverse impact on the quality of life in local communities, and to increase our capability seizing the assets of drug traffickers.

To continue our ability to prosecute traditional and emerging organized criminal groups.

BASE PROGRAM DESCRIPTION:

The United States Attorney are responsible for the investigation and prosecution of a wide range of criminal activities. The United States Attorneys receive most of their criminal case referrals from Federal investigative agencies or become aware of criminal activities in the course of investigating are reported to the They also receive criminal referrals from states and local investigative agencies. Occasionally, oriminal violations are reported to the United States Attorneys by citizens. After careful consideration of a criminal referral or "matter," a United States Attorney decides the appropriateness of bringing oriminal charges and, when appropriate, initiates prosecution. Except for middements and instances in which an alleged offender waives the right to a grand jury indictment, the United States Attorney presents evidence to a grand jury. The grand jurors arraignment of the defendant.

Although not all criminal prosecutions are concluded by trial, the United States Attorneys must always be prepared to go to trial. Consistent preparation for trial minimises the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the Government's position in presents for a quilty plea. When a quilty plea is not obtainable, a trial becomes necessary. The Duited States Attorney then presents factual evidence to convince the judge in a non-jury trial, of the defendant is convicted, the United States Attorney defends the conviction at post-trial hearings and appeals. The United States Attorneys' offices handle most criminal appeals at the the manager appeals at the United States Attorney and be required to participate in oral argument before the United States Attorney and be required to participate in oral argument before the United States Attorney and be called upon to assist the Department's litigating divisions and the Solicitor General in preparing the case for review by the United States Supreme Court.

ACCOMPLISHMENTS AND MORILOADS Accomplishments of the Criminal Litigation Program are presented in the following table:

item	1991	1992	1993	1994
Matters pending, start of year1/	54,808	55,039	62,292	69,292
Matters received	99,778	100,128	100,000	100,000
Matters terminated2/	99,547	92,875	93,000	93,000
Matters pending, end of year	55,039	62,292	69,792	76,292
Grand jury proceedings	25,943	25,470	25,500	25,500
Defendants charged	50,596	40,402	40,400	40,400
Cases pending, start of year	30,105	35,290	37,392	39,492
Cases filed	38,374	35,263	35,300	35,300
Cases terminated3/	33,189	33,161	33,200	33,200
Cases pending, end of year	35,290	37,392	39,492	41,592
Appeals filed Greek forfeited (dollars in thousands) \$/	6,255	7,042 \$530,967	\$1.00,000	\$500,000

Ξ

year of matters pending beginning number matters terminated in PY 1990 thereby reducing the resulted in an additional 8,291 1/Operation Garbage Out

Attorneys' U.8. Ď /includes cases filed. For 1991 cases terainsed decreased based on information received in FY 1992. Tholudes administrative forfeitures processed by the investigative agencies; judicial forfeitures handled Customs Service forfeitures; and agencies' bidbacks of property.

responsibility į The criminal litigation program objectives are accomplished through the work of 94 United States Attorneys' offices, each of which the investigation and prosecution of a wide range of criminal behavior. Actual and estimated accomplishments are reflected above. The United States Attorneys indicted or filed informations against a total of 59,198 defendants in FT 1992. During FT 1992, the United States Attorneys terminated, or closed, criminal cases that had been filed against 50,619 defendants in United States District Court. Of this number, a total of 42,893 defendants, or 2.3 percent, were found quilty or placed for the United States District Court. Only 1,183 defendants, or 2.3 percent, were found not guilty, with the remaining defendants, cases closed for other reasons. In 1992, a total of 6,904 defendants were disposed of by 4,165 original appeals that were classes. The United States Attorneys handled a total of 7,042 original appeals which were filed in FT 1992. Of the 5,008 original appeals that were closed during the fiscal year, 5,257, or 90.5 percent, were decided in favor of the United States or dismissed in favor of the United States.

The following cases are representative of the variety of the cases prosecuted in 1992. The cases illustrate the diversity, complexity, difficulty sensitivity of oriminal prosecutions.

charges of exploiting his official position Defense Forces of the Republic of Panama, U.S. v. Manuel Noriega (Southern District of Florida): Noreiga was sentenced for 40 years' imprisonment on as head of the intelligence section of the Panamanian National Guard and, as then-Commander-in-Chief of the receiving payoffs in return for assisting and protecting international drug traffickers. Born To Kill Street Gang (Rastern District of New York): Six members of the "Born to Kill" Vietnamese street gang were sentenced on September 25, 1992, for Volent Crimes in New York, Connecticutes. The founder and leader of the gang is also thinke York, Connecticute, and decorgia, and for participating in a new York, Connecticutes. The founder and leader of the gang is also charged with plotting the bombing of a Manhattan restaurant and illegally possessing firearms. Three defendants received life sentences, and three others received prison terms ranging from 10 years to 15 years. A seventh defendant is still awaiting sentencing.

underboss U.S. v. John Gotti, et al. (Esstern District of New York): This case involved the successful prosecution of Gambino crime boss John Gotti and underbo Exark Locatedio on surder and racketeering charges, and has been described as the most significant organized crime prosecution in recent memory. Previously, the boss of the Gambino crime family had been able to slide through everything police and prosecutors could throw at him. Gotti's appeal remains pending, which among other issues, disputes the use of an anonymous jury. U.B. V. BCCI. et al. (District of Columbia): The United States Attorneys' offices participated in the Justice Department Task Force conducting the investigation of the Bank of Credit and Commerce Inc. (BCCI). The bank, officers and shareholders were charged with racketeering conspiracy to commit bank fraud, wire fraud, and mail facud involving a scheme to defraud and decise U.B. banking regulatory agenties. The charges relate to BCCI's purchase of controlling interest in the Independence Bank of Encino, California, and the "parking" of \$25 million in subordinate debantures issued by Centrust Savings Bank of Mismi. BCCI pled guilty to the offenses. The amount ordered forfeited to date in this case is approximately \$650 million.

Operation Goldbill: On June 30, 1992, former Attorney General William P. Barr and FBI Director William S. Sessions announced that more than 1,000 FBI agents and 120 other law enforcement officers carried out early morning raids in over 50 cities nationwide as part of "Operation Goldpill" a widespread crisinal failed investigation of the health care industry. Approximately 254 subjects have been charged, 120 subjects have been arrested, 116 locations have been searched, 11 pharmacies have been searched, 30.8 million in assets seared for forfeiture, and \$6.6 million in fines and restitutions levied. In the Southern District of New York, and as part of Operation Goldpill, a Federal grand jury returned a 130-count Racketering Influenced and Corrupt Medicald system is over \$8 million.

U.S. y. Pacific Enterprises Oil Company (District of Myosing): This was the first major criminal prosecution under the Federal Land Policy and Management Act, and resulted in a guilty plea and \$1.6 million fine. Pacific Enterprises Oil Company illegally disposed of hazardous and solid waste on oil fields operated on public lands administered by the Bureau of Land Management. Excitic Enterprises Oil Company was also ordered to take remedial action to clean up drums of solid waste, which it buried, and chemicals it pumped and disposed of on the oil fields. As restitution, Pacific was to deed 1,000 acres of land to the United States, which will be devoted to recreational purposes.

<u>U.S. v. Pacific Enterprises Oil Company (District of Wyoming)</u>: This was the first major criminal prosecution under the Federal Land Policy and Management Act, and resulted in a guilty plea and \$1.6 million fine. Pacific Enterprises Oil Company illegally disposed of hazardous and solid waste on oil fields operated on public lands administrated by the Bureau of Land Management. Pacific Enterprises Oil Company was also ordered to take remedial action to clean up frums of solid waste, which it buried, and chemicals it pumped and disposed of on the oil fields. As restitution, Pacific was to deed 1,000 acres of land to the United States, which will be devoted to recreational purposes.

diverting \$26.5 million from damages were assessed against U.S. v. General Electric (Southern District of Chio): General Electric entered a guilty plea to a conspiracy which included the Israeli Air Force's F-16 jet program that was financed by the United States. A total of \$69 million in fines, penalties, and a General Electric.

n crosses by black prison for burning 2 wooden the women had been visited b U.S. v. Krauss, st al. (Northern District of Illinois): William Krause, Jr. was sentenced to 12 years and 9 months in poutside the home of two women and for intimidating a witness against h. With a gun. The cross burnings resulted after friends over the Labor Day weekend. A co-defendant was previously sentenced to and a-half years.

<u>U.S. v. Winslow, at al. (District of Idaho)</u>: Winslow was convicted in October 1990 of conspiracy to bomb a gay bar in Seattle, possession of unregistered pipe boms, interestate travel in aid of racketeering and using firearms in connection with crimes of violence. Sentenced January 1991, to 9 years. Two other defendants involved in the case (Nelson and Baker) received 8 years and 2 years respectively. All convictions and sentences were upheld on appeal to Ninth Circuit March 1992.

PROGRAM CHANGES

1			Administration. This continue to prosecute have received similar to measure the impact
2 2 2 2	POS. WY AMOUNT	965'8\$- 68- 68-	ed by the neys will agencies too soon
77.7	쳞	-89	ablish Attorr client it is
Perm.	P08.	68-	ear levels est. United States te many of our ved. However,
4 mm 4 5	Pos. MY Amount	6,090 5,703 \$584,424	to meet worky. torneys. The cossible, Sinc
188	Ä	5,703	equired ates At enever p
Perm.	Pos.	6,090	5,656,000 is refit the United Storoductivity whoms in the numb
21114	Pos. WY Amount	6,179 5,792 \$593,020	thyears, and \$ the Offices o and increase
777 586	졁	5,792), 89 wo rams of General
Perm.	Pos.	6,179	is attorneys) crimes prog he Attorney is, we can and
		Criminal Litigation	A program decrease of 89 positions (46 attorneys), 89 workyears, and \$5,656,000 is required to meet workyear levels established by the Administration. This reduction will impact on the general crimes programs of the Offices of the United States Attorneys. The United States Attorneys will continue to prosecute priority programs as established by the Attorney General and increase productivity whenever possible. Since many of our client agencies have received similar reductions in positions and workyears, we can anticipate some reductions in the number of referrals received. However, it is too soon to measure the impact on the overall Criminal Justice system.

A program decrease of \$2,940,000 is required to reduce administrative expenses to assist in controlling the Pederal deficit, and improving the Pederal government's administrative productivity. The reduction will be accomplished through savings in automated litigation support services, reducing training courses and conferences, ellaination of paid employee relocations, curtailment of office moves and renovations, minimizing printing costs, absorbtion of inflationary price increases, limiting equipment pir' vess, and reducing other administrative expenses.

1916	Amount	-\$2,711
SISSO/SEESIS	벎	-32
In	Pos	-32
mate	Pos. MY Amount	\$183,604 -32
1994 Estimate	MX	1,857
1	Pos.	1,938
	Pos. MY Amount	
1994 Baselin	딮	1,889
	Pos.	1,970
riation	Pos. NY Amount	\$175,592 1,970 1
1993 Appropriation Anticipated	蒀	1,940
1993	Por	0,610 0,610
		Litigation .

To protect and to advance the interests of the United States through the conduct of civil litigation. LONG-RANGE GOAL:

MAJOR OBJECTIVES:

To respond promptly and professionally to all suits brought against the United States, its officers and employees.

To protect the Pederal fisc through the conduct of aggressive affirsative litigation, including:

Supporting Federal programs, as necessary, by litigation and negotiation.

Collecting monies owed the United States.

Defending the United States against loss in bankruptcy and other proceedings in which the United States has a financial interest.

Representing the interests of the United States in affirmative and defensive civil environmental litigation.

Aggressively using property forfeiture statutes to seize the assets of drug and other offenders.

Articulating completely and forcefully the positions of the United States on issues pending in the Courts of Appeals.

Recovering losses resulting from savings and loan and bank fraud.

BASE PROGRAM DESCRIPTION: As the attorneys and counselors for the United States Attorneys do a substantial amount of work in civil litigation. Their workload in the civil field includes providing competent legal representation to respond to civil actions brought against the United States, aggressively pursuing civil enforcement of federal laws and regulations, and efficiently recovering federal financial resources. Both affirmative and defensive civil representation are of vital concern to the United States Attorneys as both activities preserve, protect, and defend the interests of the United States and federal resources.

Civil matters and cases consume a significant portion of the U. S. Attorneys' resources, especially in the areas of recovery of money, defense of monetary claims and debt collections. The litigation brought against the Government covers a range of causes of action, including tort (damage suffered day a result of Government action—e.g., collision with a postal service vehicle, mapprectice by a Government physician, invasion of privacy by a Government agent), the determination of social security benefits, tax refunds, contract violations, sace, sax, and age discrimination, and habeas corpus. The Government also initiates civil litigation against private parties for a wide range of purposes. These purposes include the recovery of money taken efforcement by fraud, the acquisition of interests in land by eminent domain proceedings, the enforcement of administrative summonses, the Government of environmental, admiralty, civil rights and other laws for which there are civil law penalties, and the recovery of debts owed to the

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ACCOMPLISHMENTS AND MORELOAD: Accomplishments of the Civil Litigation program are presented in the following table:

,	1991	1992	1993	1994
Matters pending beginning of Year	18,677	15,470	17,501	19,600
Matters Received	102,276	112,010	113,010	113,010
Matters Terminated	105,483	109,979	110,911	110,911
Matters Pending End of Year	15,470	17,501	19,600	21,699
Cases Pending beginning of Year	111,999	104,784	117,434	131,111
Cases Filed.	92,363	99,927	100,954	100,954
Cases Terminated	99,578	87,277	87,277	87,277
Cases Pending End of Year	104,784	117,434	131,111	144,788
Appeals Filed	3,749	4,047	4,047	4,047
Appeals Tersinated	3,670	3,314	3,600	3,600
Trials	1,675	1,234	1,246	1,246

Explanation

The projections in this table are consistent with recent civil litigation patterns in the U.S. Attorneys' offices and reflect changes consistent with requested increases. The civil cassload is predeminantly defensive; affireative cases accounted for 29 percent of the 1992 voltood. The cases parally count shows a 20,698 drop from 1990 to 1991. This is a result of Operation Garbage Out. The number of cases filled increased by 7 percent from 1990 to 1991. From 1998 to 1991 there was a 23 percent increase in attorney vortyears, however; in 1988, there were 137 cases terminated per attorney decreased to 115. This decrease reflects the increasing complexity in civil cases in that it takes more attorney vortyears per case. As the complexity of civil litigation increases, the U.S. Attorneys must have adequate resources to affectively litigate these matters. While the cases increase in complexity of civil mumber of matters received is also expected to increase. In addition, the complexity is shown in portray a 4 percent increase in matters from 1991 to 1992. Recent client agency surveys

* Operation Garbage Out involved a three-prong process to: 1) Update the civil and criminal database in each U.S. Attorney's Office to reflect correct and current liferation; 2) provide additional training to docket personnel and their supervisors to ensure that they have the necessary stills to maintain the data and to recommend steps to improve system quality and utilization locally and 3) increase amagement accountability for, and line attorney involvement in, the quality of the local database. Under the first phase of Operation Garbage Out, all matters and cases more than five years old were reviewed by the United States Attorneys Offices. In addition to improving the quality of information on pending cases, the number of pending atters and cases pending from F1991 to 1992 show a 3,992 case drop as a result of adjustments that were made when the final caseload statistics were computed for F1992. The adjustments were a result of the United States Attorneys' offices reclassification of civil cases pending to cases filed.

Health Care Fraud

The U.S. Attorneys have had much success in the health care fraud program as is represented in the following cases:

In the Eastern District of Pennsylvania, the United States was awarded a \$19,000,000 judgment in a Medicare fraud case under the Palse Claims Act. The judgment was awarded in U<u>.S. v. Lorenzo</u>. According to the Eastern District of Pennsylvania's Civil Division, this is the largest dollar recovery ever obtained in a Medicare fraud case. Dr. Lorenzo had illegally obtained over \$130,000 by submitting over 3,000 false claims in the names of innocent patients.

In the Southern District of West Virginia, the United States recovered \$4,814,822 in U.S. v. Angelo Anile. Angelo Anile was a pharmacist who was convicted of five feelonies of sort the unlawful disperenting for controlled subtractes. Subsequent to his conviction, the West Virginia State Medicald Fraud Unit conducted an investigation that exposed 440 false and fraudulent billings amounting to actual losses to the government of \$7,206. The lawauit also included various record keeping violations of the Drug Abuse Prevention Act, each subject to a maximum civil penalty of \$25,000 per violation.

\$2.5 million settled eye health care services, was civil fraud. Massachusetts, a medicare fraud case, U.S. v. In re Eve Health, Inc., involving largest amount ever recovered by the district against a healthcare provider for In the District of plus interest, the

Other Affirmative Civil Enforcement

were available. be recovered if additional resources could untapped dollars that Affirmative Civil Enforcement is an area where there are millions of the following cases are provided to illustrate the potential: In the Eastern District of New Tork, <u>U.S. v. D'Avino and Unisys and Honeyvell</u> was a lawsuit initially brought under the <u>qui tam</u> provisions of the False Claims Act. The suit was directed against the corporate defendants for a series of defense procurement contracts for simulator training aircraft. As a result of the investigation, Sperry/Unisys pled guilty to filling a false statement and defendants paid the United States \$13 million in civil penalties.

The Northern District of Texas, in <u>U.S. v. Motorola Computer Group</u>, reached an agreement in which Motorola agreed to pay the government \$15.1 million to settle claims that a begines unit of the company, the Motorola Computer Group (MGS), had submitted defective pricing information in connection with Multiple Award Schedula contracts with the General Services Administration (GSA). The government alleged and Motorola acknowledged that, contrary to GSA requirements, MCG failed to disclose that it gave its commercial customers more favorable discounts than those given to the government.

20 to In the <u>United States v. Milght Ling.</u> Inc., the District of Massachusetts had a recovery of \$3.6 million which was the largest False Claims in the district's history. Wright Ling, Inc. was penalized for failing to disclose to government contract negotiators the availability of 2 percent discounts to large quantity customers, such as the United States.

In the <u>U.S. v. General Electric</u>, in the Southern District of Ohio, General Electric admitted fraud in the sale of military jet engines to Israel and agreed to pay 50s million in a setilement of criminal benegae and a civil lawsuit. The company was accused in the civil lawsuit of defrauding the Pentagon and the Israell Defense Ministry by filling more than \$40 million in false claims. The total recovery of civil judgements in the case was \$44,625,000 of which, as a result of the Southern District of Ohio's efforts, \$22,312,500 was recovered.

Bankruptcy

In the Northern District of Texas, through coordinated representation of both the Health Care Financing Administration (HCFA) and the Internal Revenue Service (IRS) six procedurally complex bahkruptcy cases involving hospitals throughout Texas and Oklahoma resulted in significant cash payments to the United States under the Plans of Reorganization. On behalf of HCFA, \$1,155,557 was received for aix hospitals. In addition, the Plans ratified HCFA's administrative recoupant of another maillion dollars while the bankruptcies were pending. On behalf of the IRS, a total of \$958,967 was received. These recoveries recovery rate of over 94% of HCFA's claims and over 91% of IRS' claims.

ŝt. In the Eastern District of Pennsylvania, the United States recovered \$2.1 million in property and \$883,000 in cash in <u>U.S. v. St. Mary's Hospital</u>. Mary's had a HUD guaranteed first mortgage and an HHS guaranteed second mortgage and had received Medicare overpayments.

Bales In the Central District of California in the <u>U.S. v. Francisco Brayo</u> Chapter 11 case, the U.S. Attorneys' Office obtained modification of the sales terms which were acceptable. As a result, the client agency, Farmers Home Administration, recovered \$5,017,085. It is anticipated that additional will result in full payment of the unpaid balance of claims which totaled \$7,316,000.

resulted in particularly large recoveries. <u>U.S. v. Olympia</u> of \$3.9 million. <u>U.S. v. A.R.E. Manufacturing</u> resulted in a which The U.S. Attorney's Office in the Middle District of Florida took action in two cases of <u>Holding Corporation</u> resulted in the allowance and collection of an administrative tax of 3.2 million recovery in a Defense contracting case.

nvironmental Enforceme

ţ 9 In the Eastern District of Arkansss, the United States Attorneys' Office, the Department of Justice's Environment and Natural Resources Division, and Environmental Protection Agency worked together to obtain a civil consent judgement of \$1 million plus interest against the defendant in the <u>United</u>

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S<u>tates v. CPS Chemical Co.</u> In addition to monetary penalty, CPS was enjoined from discharging pollutants into the Mississippi River.

Debt Collection

The passage of the Federal Debt Collection Procedures Act of 1990 enhances the U.S. Attorneys' ability to collect debts owed to the United States. The following cases demonstrate current debt collection activities throughout the U.S. Attorneys' offices:

In the Morthern District of Georgia, the United States recovered a \$5 million fine and \$16 million in back taxes, fraud penalties and interest in <u>U.S. Y.</u> <u>Georgia-Pacific Corporation</u>. Georgia-Pacific had attempted to take a \$24 million charitable deduction for donating Florida sumpland that it had purchased three years earlier for \$2 million.

In the Northern District of Illinois, the United States recovered \$4,251,200 in the <u>ULS, v. Van Lear Containers, Inc.</u>. Van Leer had pled quilty to six counts of conspiracy to fix the prices of new steel pails offered for sale to customers in the United States, a violation of the Sherman Act.

In the District of Columbia, the United States recovered a \$10 million fine from a Japanese defense contractor. Japan Aviation Electronics Industry, Ltd. pled guilty to illegally selling sensitive U.S. military technology to Iran.

PROGRAM CHANGES

A program decrease of 32 positions, 32 workyears, and \$2,004,000 is required to seet workyear levels established by the Administration. The reduction will be advantable by attrition. The United States Attorneys are continue to prosecute priority programs as established by the Attorney general and uncrease productivity whenever possible. Since many of our client agencies have received similar reductions in positions and workyears, we can anticipate some reductions in the number of referrals received. However, it is too soon to measure the impact on the overall Criminal Justice system.

In addition, a program decrease of \$707,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. The reduction will be accomplished through savings in automated litigation support services, reducing training courses and removations, animation of paid employee relocations, curtailisent of office moves and removations, minimating printing costs, absorbtion of inflationary price increases, limiting equipment purchases, and reducing other administrative expenses.

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	Perm.			Perm.			Perm.			Perm.		
	Pos.	Ħ	Pos. WY Amount	Pos.	<u>Ş</u>	Amount	Pos	5	Asount	P06.	Į,	Amount
Legal Education	27	56	7 26 \$30,125	1.1	27 24	24 \$7,006 27	27	7	\$6,968	:	:	-\$38

LONG RANGE COME: To improve the quality of legal representation and services provided by Executive Branch attorneys and support staff employed by the United States of America.

MAJOR OBJECTIVES:

To provide high quality, cost-effective basic criminal, civil, and asset forfeiture trial and appellate advocacy training for less experienced and newly-hired Federal attorneys.

To provide high quality, cost-effective criminal and civil Pederal practice training for newly-hired DOJ attorneys with previous litigation experience, and as supplemental training for DOJ attorneys after the basic criminal, civil, and asset forfeiture advocacy courses.

To provide high quality, cost-effective basic crisinal and civil trial advocacy training for Executive Branch attorneys serving as Special Ausistant U.S. Attorneys.

To provide criminal and civil basic trial advocacy training for state and local government attorneys who are participating with the Department of Justice in criminal and civil cooperative efforts.

To provide high quality, cost-effective specialized criminal and civil substantive law training for those DOJ attorneys concentrating in priority stress, such as: financial institution fraud and other economic crime; asset forfeiture; Organized Crime Drug Enforcement Task Porces; organized crime; public corruption; violent crime; environmental law; financial litigation and debt collection; medical malpractice; prisoner litigation, affirmative civil litigation; and Federal tort claim defense work.

To provide high quality, coat-effective advanced advocacy training for Pederal attorneys responsible for the litigation of complex criminal and civil cases.

To provide high quality, cost-effective management training for supervising Pederal ettorneys and senior litigation counsel.

To provide high quality continuing legal education programs to Executive Branch attorneys through skills courses such as basic negotiations and discovery techniques, and substantive law courses such as bankruptcy, civil agency practice, environmental law, and legal research and writing courses for attorneys.

To provide high quality, cost-effective training to Pederal attorneys in ethics and professional conduct.

To provide high quality, cost-effective training for Federal paralegal and support staff and, as needed, to provide training in such areas the Freedom of Information Act, asset forfeiture, financial litigation and debt collection.

provide video and audiotape lectures and written materials to those Pederal attorneys who are located in geographical areas remote from the

Office of Legal Education, in order to serve as many Pederal attorneys as possible with high quality continuing legal education in a cost efficient manner.

BASE PROCRAM DESCRIPTION: The Office of Legal Education (OLE) develope, conducts, and authorizes the training of all Tederal legal personnel [18 C.F.R. 19.22 (1990)]. The OLE coordinates all legal education and attoring for the Department of Justice and all other departments and agencies of the Executive Enarch. The OLE pursues its mission through the administration of two inatitutes — the Attoring General's Advocacy Institute (AAM) and the Legal Education Institute (LEI). These Institutes carry distinct, yet compatible, training missions. Attendance at AGAI course is usually restricted to Department of Justice personnel, while LEI training programs are generally open to all

Public Law 102-140 provided authority and [limited] funding to "accommodate the relocation of the Legal Education program to a site on the campus of the University of South Carolina where legal education training shall be provided to Pederal, State, and local prosecutive and litigative personnel." As required by this same public law, the Department of Justice submitted a report concerning the relocation of the leg education program to the cognizant Appropriations Subcommittees on March 5, 1952. Departmental staff are currently working with congressional staff, University personnel, and representatives from the City of Columbia to acquire a relocation site.

AGAI is the primary vehicle for providing instruction to Department of Justice attorneys and Assistant United States Attorneys (ADSAs) from the SA. Attorneys' offices located throughout the SO states, the District of Columbia and the territories of Gusa, Nothern Mariana Islands.

Puerto Rico, and the Virgin Islands. In addition, AGAI extends an invitation through the Mational Association of District Attorneys and the Resident and States and Indexes and Interest in attending advocacy and federal practice courses. Basic programs for nevy birred attorneys include criminal, orbil, and asset forfeiture advocacy, appellate courses, federal practice sentants, and specialty courses, in attorneys with little or no litigation experience. The Federal practice program is designed for attorneys with litigation experience who are new to the civil, and asset forfeiture advocacy courses, conservation and asset forfeiture advocacy courses.

AGAI utilizes experienced Federal trial and appellate attorneys as instructors for all its programs to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Pederal judges also participate at AGAI savocasy courses, presiding over mock trials and mock appellate arguments. The caliber of the AGAI faculty and the use of sophisticated video-taping facilities provide students with unique training experience in trial and appellate advocacy. A significant feature of the advocacy training is the use of Tearn-by-doing exercises which concentrate on courtroom stills. The exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis. AGAI holds seminants at its "Readquarters" as well as other locations around the United States. Pinally, the large attorney workforce has resulted in a high demand for attorney management training for semior criminal and civil attorneys. AGAI has tried to meet that challenge by providing management courses for attorney supervisors of all levels in the U.S. Attorneys' offices.

ë ë AGAI operates a video tape lending library for U.S. Attorneys' offices. Select courses offered by AGAI are videotaped and made available or request to U.S. Attorneys' offices. In addition, commercially produced tapes by recognized legal experts have been purchased by AGAI and tapes are sent to United States Attorneys' offices upon request to supplement their in-house training programs.

Department.

LEI offers training in civil discovery and trial techniques, negotiation techniques, administrative law areas such as bankruptcy, ethics, LEI offers training in civil discovery and especial of the second se directs its programs on reteral civil and administrative law and practices to all attorneys in the Executive Branch, including those in the

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CALCARITOR OF THE WORLD				aci mices
OLE: Mumber of Student and Instructor Days	1991 54,206 34,715 11,967 7,524	1992 57,806 30,032 20,539 7,235	1293 52,678 32,439 10,942 9,297	1994 51,652 31,188 10,942 9,297
AGAI Attorney Training (Number of Student Days) Criminal Trial Advocacy, Total Student Days U.S. Attorney Personnel Day Days on the student Days	4, 272	2,682 1,806	2,119 1,339	1,066
DOU Other Agencies State and Local Specialized Crisinal, Total Student Days U.S. Attorney Personnel		6,914 6,914 6,140	12,469	26 13,418 12,309
DOU Other Appended Bitate And Local Federal Practice (Criminal and Civil), Total Student Days. U.S. Attorney Personnel. DOU Divisions.	2,346	1, 284 1, 134 1, 134 1, 134	1,914 1,604 224	396 396 1,914 1,600
DON Other Agencies State and Local Civil Trial Advocacy, Total Student Days U.S. Attorney Personnel.	2,400	 18 3,193 1,127 1,985	2,171 8,191 1,313	 90 1,222 598 598
Other Agencies. State and Local Spacialised Civil, Total Student Days. D.S. Attorney Personnel.	8,410	7,976 5,081 5,33	5, 12 4, 13 156 156 156 156 156	5,32 4,40 1,40 1,40 1,40 1,40 1,40 1,40 1,40
DOU Other Other Agencies State and Local Appellate Advocacy, Total Student Days U.S. Attorney Personnel DOU Divisions DOU Other.	576	2, 310 59 68 968 888 888 80 80 60 60 60 60 60 60 60 60 60 60 60 60 60	312 268 1, 296 1, 104 186	312 281 1,296 1,104 1,064
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ACCOMPLISHMENTS AND WORKLOAD: (CONT'D)			IZSI	STIMATES
AGAI Management, Total Student Days	2,745	1,472 1,468	1993 1,535 1,535	1994 1,535 1,535
DOI Other.		: :	• •	: :
Other Agencies		-	:	:
State and Local	29, 167	24, 489	26, 702	26, 169
AGAI Attorney Training (Number of Instructor Days)		,	į	
Crisinal Trial Advocacy	1,140	706	070	750
Specialized Cristians		/94 366	1,110	1, 310
recental racine (crains and creit)	1.164	1.476	1,128	100
SDECTE THE CONTRACTOR OF THE C	948	700	796	976
Appellate Advocacy.	312	189	1,188	1,166
ACM Management.	840	162	240	240
Subtotal AGAI Instructor Days	5,548	5,543	5,737	5,019
Total Number of AGAI Courses	73	83	6	8
LEI Training (Number of Student Days)			ć e	
Attorney Training, Total Student Days	3, 148	10, 431	7.63	7,630
DOI Divisions.	,	1,358	995	955
bod Other		:	137	137
Other Agencies		7,899	6, 479	6, 479
States and Local.			5 3	\$25
Paralegal/Support State, Total Study 'Days'	1,138	6,00,0	2,710	6,71.
DOJ DIVIBLORS		790	926	926
DOJ Other.		::	20	70
Other Agencies		9	2, 143	2, 143
States and Local	16,446	17,060	16, 761	16,761
LEI Training (Number of Instructor Days)				
Attorney Training	1,384	1,328	1, 292	1, 292
Subtotal IN Instructor Dave	1,710	1,934	1,678	1.678
Total Number of LEI Courses.	92	66	76	76
Attorney Videotaped Lectures, Total Student Days	1, 335	8,780	1,800	1,800
Total Number of Videotaped Lectures	S S	F1	120	133

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The Office of Legal Education (OLE's) workload displays the number of student and instructor days rather than the number of courses since the number of days is more reflective of OLE's workload. Some of OLE's courses are eleven days in length and other courses are one or two days, in length. By showing the number of course days, the volume of training is more accurately reflected. In addition to personnel from the United States Attorneys' offices, the workload includes training provided to employees of the DOJ Divisions, employees of other organizations of the Department of Justice (e.g. DEA, FBI, Marshals Service), other federal government agencies, of other organizations of the Department of Justice (e.g. DEA, FBI, such 1991 and 1994 due to the addition of a new category (DOJ-other) added in 1991. The addition of the personnel trained within DOJ since "other" includes investigative agencies and DOJ Divisions includes provides a agencies.

From 1991 to 1992, AGAI student and inatructor days decreased even though there was a demand for additional training, especially in specialized substantive areas. This was due to the lack of OLE personnel to plan additional programs, and because twenty courses were cancelled in 1992 due to inadequate staff to conduct the courses. This decrease occurred in both trial advocacy and specialized training programs.

From 1992 to 1993, the OLE workload is projected to decrease overall, because no new positions were authorized in 1992 or 1993. This resulted in four fewer basic trial advocacy courses. These basic advocacy courses contain 11 days of training. Approximately 45 students and instructors attend each these courses, and the loss of four courses represents a decrease of 1,980 student/instructor days from OLE's workload.

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Even though the overall OLE workload will decrease 9% from 1992 to 1993, the specialization and complexity of federal legal practice, both civil and criminal, will increase, because specialized programs require ongoing training to maintain high standards of practice. It is also necessary to satisfy mandatory continuing legal education requirements applicable in 38 states.

The specialized civil and criminal training provided by OLE prepares attorneys for the unique areas of federal legal practice. This training is not woulible in law schools or in the private sector. It is provided by OLE at a cost substantially less than that of comparable private sector training. The emphasis on continuing 1891 education for criminal prosecutors and civil practitioners is critical to the effective representation of the United States and to the advancement of the Department's criminal and civil initiatives.

Recent statutory changes in both civil and criminal law have created an even greater need for specialized training. This is swidenced by the projected increase in specialized criminal student days from 1992 to 1994, passage of the Americans with Disabilities Act, FIREA, and other statutes which facilitate the collection of monies due the United States, criminal enforcement of child support, carjacking, and other crime bils, and the yearly amendments to the federal sentencing guidelines require that DOJ attorneys receive the most current training possible in these areas to ensure that they take the land in federal court pactice. Courts traitionally look to AUSAm and other DOJ attorneys to provide leadership in federal court practice. On order to maintain this standard of excellence, increased training is necessary as new laws are passed. OLE is in a unique position to deliver this specialized training and will meet thus, e needs given adequate staff.

Advanced courses to be offered in 1992 and 1993 to meet continuing needs for specialized training include: Triggerlock, environmental crimes, financial institution fraud, health care fraud, violent crimes, narcotices, criminal enforcement of child support, child sex abuse, economic orine, public corruption, orders prosecutions, evidence for experienced criminal litigators, asset forfeiture, affirmative civil litigations, developments in tort law, civil rights, environmental law, medical malphacetice, prisoner litigation, money laundering, and debt collection. ACAI Mangement training planned for 1993 and 1994 will meet the ongoing education needs of the 642 attorney supervisors presently on-board in the United States Attorney offices.

From 1993 to 1994, the overall OLE workload is expected to remain steady. With no new positions expected in the United States Attorney's office for 1994, the basic trial advocacy courses will decrease.

Increase due to the continued specialization of the workforce and the change in administration, which will necessitate additional specialized training to set new priority areas. Therefore, the decrease in trial advocacy student/instructor days will be offset by an increase in student/instructor days in specialized training.

PROGRAM CEANGES

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The United States Attorneys will achieve the \$38,000 reduction by reducing training courses and conferences, minimizing printing costs, absorbing inflationary price increases and limiting other administrative expenses.

Ingresse/Pegresse	Pos. W Amount -2 -2269
1994 Betimte	Pos. W. Anomit 184 195 \$33,801.
1994 Baseline	Pot. W. Amount 186 197 \$34,070
1993 Appropriation Apticipated	Pos. W Amount 186 214 \$25,709
	egement and Administration

LONG-RANGE COAL: To provide direction and appropriation of resources to the U.S. Attorneys and to respond promptly and efficiently to the administrative and management needs of the 94 U.S. Attorneys' offices.

HANCE CRUTCHINES

To provide management and policy assistance, direction, and limison to the Offices of the U.S. Attorneys in direct support of their litigative responsibilities.

To represent the interests of all U.S. Attorneys in the development of Department of Justice policy and to support system-wide consistency in the federal litigation.

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To formulate and execute an operating budget to satisfy the operational needs of U.S. Attorneys' offices

To formulate and implement personnel management policy.

To provide the administrative support necessary to obtain adequate space and equipment.

To participate in the design and implementation of a Department-wide caseload management system and to make available optimum office technology for the U.S. Attorneys.

To provide policy direction that will result in optimal efficiency in the collection of debts owed the Government.

To formulate and implement Equal Employment Opportunity plans.

To coordinate the successful implementation of all 94 district Law Enforcement Coordinating Committees (LECC).

To provide technical assistance for implementation of the Victis and Witness Protection Act of 1982 and the Victims Rights and Restitution Act of 1990.

To conduct performance evaluations of each U.S. Attorney's office approximately every two years. To monitor, promote and facilitate the activities of the U.S. Attorneys' offices as they address the Attorney General's priority prosecution areas.

BASE PROCESM DESCRIPTION: The Management and Administration program encompasses all of the Executive Office for U.S. Attorneys (MOUSA) with the exception of the Office of Lagal Education. The MOUSA provides general assistance and supervision to the 94 U.S. Attorneys' offices, and coordinates with the other organizational units of the Department under the direction of the Deputy Attorney General.

The BOORA provides U.S. Attorneys offices with the automated-laformation systems necessary to achieve Department objectives and to ensure efficient use of resources. The Brainston and Review East of the BOORA conducts office evaluations and assists U.S. Attorneys in recognizing increments in the use of and advices to the Articles of the BOORA conducts office of Legal Counsel is also responsible for and advices to an articles when as legislation, statutes, regulations and Department. Legal Counsel is also responsible for anteresson and adverse action, labor anasysement collection programs and processing all Trackons of Information Art requests on behalf of the U.S. Attorneys of anasysement program. The Financial Emphasion Programs and any anasysement relation programs and struct requests in the U.S. Attorneys of the Trackons and adverse and programs and struct responsibility for the policies related to the collection activities and has direct responsibility for the policies related to the collection of criminal fines. The BOORA Law Engineers of the East of the East of the East of the East of the East of the East of the East of the East of Ea

Accomplishments and Morkload: The Management and Administration workload of the U.S. Attorneys follows:

An briefings/district profits
Project Eddim district implementations
ANGA appointments (conversions). Anga appointments. Position classifications completed. Other Personnel actions proposed. As a security actions processed (accept adjudications).
ial Litigation staff 0.6. Attorney's cash collections (\$000)
ties Management and Support Services Space recovations/relocations and security systems
ANGA appointments and extension actions completed** 1,990 ANGA appointments and extension actions completed** 1,900 ANGA appointments and extension actions completed** 1,990 ANGA and SAUGA backgrounds reviewed 864 MONTA and SAUGA backgrounds reviewed 802 Freedom of Information requests received 1,935 MONTA appeals appeals 1,935 ANGA appeals appeals 1,935 ANGA ACTION ANGA ACTI

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Explanation

and Administration workload Management ÷. been its hallmark. have that excellence ĕ standards enhancing the and committed to maintaining The BOUSA remains co The Financial Management Staff (FMS) provides budget and fiscal assistance and guidance to the 94 Offices of the U.S. Attorneys offices' resource needs and formulates a bentaff of the organization. The FMS consolidates all 34 U.S. Attorneys offices' resource needs and formulates a total budget submission for the organization to the Department, OMS and eventually the Congress. With the growth in positions and budget submission to the organization to the Department, OMS and eventually the Congress. With the growth in positions and budget submission to the organization to the organization to the organization to the organization could be progress or ansure accounting desailfication codes, accordance extract progress or ansure accounting of sast Foreign to the CAS and FMS force progress or a budget submission to the OMS for the U.S. Attorneys of the U.S. Attorneys of the U.S. Attorneys of Cash are stalled the degated to the OMS for t

In 1992, the Case Management Staff: 1) completed the installation of TALAM in 45 of the 52 districts which have PC-USACTS: to date, it has been installed in 4 districts, (2) continued the Operation Garbage Out effort by reviews and the conversion of the central system; (3) continued the Operation Garbage Out effort by relief and reporting System; the 1992 Annual Report will be produced from the new central system; (4) devaloped a variety of ORAGLES applications to meet administrative and case management requirements, including payroll management, asset-forfeiture case tracking, grand jury tracking, applications tracking, the USA-SMonthly Resource Summary; and, 5) participated in the development case management systems, including a requirements analysis of the USA-Shornly and anagement and collections systems, the National Fine Payment Center, the Mationvide Central Intake Facility, the Consolidated Asset Tracking System, and the Departmental Case Management System.

In 1992, the Office Automation Staff: 1) completed the installation of EAGLE equipment in 28 districts at the end of 1992, EAGLE equipment was installed in 1820 cities and the staution and installed in 1820 cities and the stautions of stautions in second previously installed EAGLE equipment (us to new or additional space acquisition in nine cities; to date, there have been an additional eleven relocations; 3) provided technical hardware and software support through a variety of help desk operations; and 4) operated a data sanitizing and laptop repair facility.

In 1994, the Federal Employees Pay Compensation Act (FEECA) provides for the implementation of geographic locality pay (GLC) based on the employment cost index will be in effect on a nationaide basis. Due to the conversion to the NTC personnel adjustem (1991), EDUSA and U.S. Attorneys office personnel will be in effect on a nationated besis. Due to the conversion to the NTC personnel and the sale in effect on a nationated besis. Due to the conversion to the NTC personnel and the sale in sale in the sale i

The Financial Litigation Staff (FLE) is responsible for providing technical, legal, and administrative support and debt collection training to the Financial Litigation Units within the 94 U.B. Attorneys offices. The cash collections (processed through the lockbox) include collections through The S. Attorneys offices, collections through the Private Counsel Financial Responsibility Programs, and collection through the Private Counsel File Program in which eight districts are participating this fiscal year. The Federal Dabt Collection Procedures Act, became law on Novamber 29, 1990, and took effect on May 29, 1991. Because the Act permits a new process for debt collection, total recoveries (cash and non-cash) slightly decreased the The The Theorem Counsel From the Novamber 1990, and took effect on May 29, 1991. Because the Act permits a new process for debt collection, total recoveries (cash and non-cash) slightly decreased the The The Theorem Counsel Process of Criminal debts referred for tax point plan to improve the collection of criminal debts. As a result of this program, the number of criminal debts referred for tax increased dramatically. A new emphasis on the use of contract services will also improve collections in this area.

The Office of Legal Counsel (LC) provides advice to U.S. Attorneys and their offices (USADs) and to DOUSA on a broad array of legal issues. It acts as liaison between DOJ components and the USADs. LC provides guidance to all U.S. Attorney and DOUSA personnel regarding ethics issues, e.g., conflicts of interest, recussis, and financial disclosure reports. This office also provides training to USADs on the new Ethics Reform Act. Responsibilities further include participation on all employee grievance panels, providing advice and recommendations on disciplinary or adverse actions, and any other employment related attorney and support candidates in the USADs. It reviews all EEO complaints for settlement or other disposition and processes all FOIA/Frivacy Act requests directed to USADs and BOUSA.

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The mgual Employment Opportunity Staff (EEO) provides a level of service to U.S. Attorneys' offices and EDOSA to ensure that EDOY and EDOSA EED provides guidance to ensure that affirmative employment plans are implemented; to see that supervisors, managers and employees are achieved. EEO provides quidance to the EEO process complaints in a that manner. EEO process complaints in the EEO servised the matched force of incormal complaints in 1922, the EEO servised the matched of counting conformal complaints from the districts, which were resolved before they became formal complaints. In 1922, the EEO servised the matched for one EEO counting informal complaints. During 1993, the EEO servised the matched for one EEO counting conformations of counting informal complaints. During 1993, the EEO servised the matched for one EEO counting conformations on the EEO counting informal counting in the EEO counting information conformation on LECC and violations and the violate the behalf and the service of an LECC/VW staff makes the behalf of conformation on LECC and violations and the service of conformations on LECC and violations and the conformation on LECC and violations and the EEO conformation on LECC and violations and the EEO conformation on LECC and violations and the EEO conformation of the EEO conformation o

The Evaluation and Review Staff (EARS) completed peer evaluations in 23 U.S. Attorneys' offices during 1992. The peer evaluation process provides an objective view of each district's operations and recommendations as to how those operations can be carried on more efficiently and effectively. Due to budget constraints, say planned evaluations were cancelled in 1992. Several of the larger U.S. Attorney's offices were evaluated in 1992. To achieve the goal of evaluating each of spicoximately every two and one-half years, evaluations are planned for 27 districts during 1993. In 1994, an additional 27 offices must be evaluated to maintain our schedule of reviews.

The new evaluation and review report procedure implemented in early 1992 is providing more timely and succinct information to the U. S. Attorneys themselves. The ORACLE based allocation system is nationally as ancouraging timely esponses to the evaluation reports from the U. S. Attorneys themselves. The ORACLE based allocation system is named to completion and work continues or refining, updating and incorporating the GAD allocation model into our allocation process. The Priority Programs Team (PPT), first tatified in August, 1990 for the purpose of promoting, excilitating and tracking types of crime designated by the Attorney General as national priorities, has been consolidated with the EARS staff. This consolidation will allow both programs to benefit from the work product and experience of the respective staffs, PPT is made up of Program Wanagers who are, as needed, Assistant U.S. Attorneys detailed from district offices, and DOJ attorneys as well as computer literate support staff. The managers respond to congressional and departmental inquiries as to the status, staff.

Special emphasis has been placed on the priority area of financial institution fraud and the Team works closely with the Department's Special Counsel for Financial Institutions. Worthly statistical reports are substited to the Special Counsel, regarding and refined presecutions across the country. Other priority programs addressed by the Team in 1992 include health care fraud, insurance fraud and corruption, computer fraud, Project Triggerlock and Weed and Seed. An ORACLE data base to replace the present WordPerfect data base is being developed to track Triggerlock prosecutions to produce monthly reports for the Executive Office for Weed and Seed.

	1994	Basel	٠	1994 Est i	PA C	,	Increas	/Decr	
PROMODE SHOWINGS	Pot	벎	Pos. M. Asount	Pos. W. Amount	Ħ		Pos. W. Amount	Ħ	Amount
Management and Administration	186 197 \$34,070	197	\$34,070	184	56.	184 195 \$33,801 -2 -2 -\$269	?	7	-\$269
A program decrease of two positions, two impact on the general assistance and sug	o workyears, pervision pro	and s wided	71,000 is required by the BOOSA to the	d to meet he 94 U.S.	worky Atto	ear levels e rneys' offic	stablish es but w	d by	tions, two workyears, and \$ 71,000 is required to meet workyear levels established by the Administration. This reduction will the and supervision provided by the E008A to the 94 U.S. Attorneys' offices but we will increase productivity whenever possible.

In addition, a program decrease of \$199,000 is required to reduce administrative expenses to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. The reduction will be accomplished through savings in automated litigation support service, reduction of training courses and conferences, alimination of paid employee relocations, curtainest of Office moves and removations, minimizing printing costs, absorption of infaitionary price increases, limiting equipment purchases, and reducing other administrative expenses.

Salance and Expenses Justification of Multi-Activity Program Changes (Dollars in thousands) United States Attorneys

	1994 F	1994 FTE Reductions	sao	1994 Admi	1994 Administrative Sa	wags		Total	
	Perm.			Periti.			Peril.		
Estimates by Program	20	¥	Amount	Pos	₩	Amount	Pos	¥	Amount
Criminal Litigation	(89)	(88)	(2,656)	ï	:	(2,940)	(89)	&	(8,5%)
Cwil Litigation	(32)	(35)	(2,004)	:	i	()	(32)	(32)	(2,711)
Management & Administration	3	3	(Z)	:	:	(198)	3	3	(569)
Legal Education	••		:	I	ī	8	:	:	89
Total	(13)	(123)	(1,731)	1	:	(3,883)	(13)	(123)	(11,614)

Narraive Derection of 123 positions, 123 workyears and \$11,614,000 will impact on the Offices of the United States Attorneys will continue to prosecute priority programs are established by the Attorney General and increase productivity whenever possible. Since many of our client agencies have received similar reductions in positions and workyears, we anticipate some reductions in the number of referrals. However, it is too soon to measure the impact on the overall Criminal Justice system.

The workyear reductions will be achieved by attrition. The United States Attorneys will also implement sawng, an automated hitgation support nervices, reduce training courses and conferences, chiminate paid employee relocations, curtail office moves and renovations, minimize printing costs, absorb inflationary price increases, limit equipment purchases, and reduce other administrative expenses.

Concel Substitutions Selected Selection of Emperors Selected Analysis - Program Charges

	5	Criminal	Civil	7		Legal	X	Mongrees &			Γ
	د	Lugstice	Litigation	ation.	Ē	Education		Aministration		Total	
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Total workyears and personnel											
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Personnel benefits.			(42)	:	1	:		:	771	2	1
Travel and transportation of persons				(SS)	•	8	1	€		1	3
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Supplies and moterials	•	(R)	1	(i)	3	6	1	€		ī	Ē
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Total program workyears and obligations											1
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United States Attorneys Salaries and Expenses

Priority Ranking

	Ranking	~	~	~	4
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1	Program				

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Detail of Permanent Positions by Category Figgal Years 1992 - 1994 United States Attorney Salaries and expenses

			19	1993		1994	+
Catagory	1992 Authorized	Adjustment in Perm Pos.	Trans. in the Zetimates	Staffing Reductions	Total	Program Decreases	Total
1306	3.973	-2	30	-41	3,960	-62	3,898
Description (200)	733	:	:	:	733	:	733
Tens Clark and Technician (986)	2,109	:	:	:	2, 109	:	2, 109
Criminal Investigative Series (1811)	13	:	:	:	3	:	3 °
General Investigative Series (1810)	~	:	:	:	~ :	:	*:
Other Miscellaneous Occupations (080)	11	:	:	:	=	:	:
Social Sciences, Economics	•				•		•
and kindred (100-199)	• ;	:	:	:	9	•	65
Personnel Management (200-299)	66	:	:	:	S	:	•
Gen. Admin. Clerical and Office	;	•			1 306	197	1.235
Services (300-399)	1, 339	7	:	7	100	;	135
Accounting and Budget (500-599)	135	:	:	:	661	:	3 -
Information and Arts Group (1000-1099)	=	:	:	:	1,	:	; •
Business and Industry Group (1100-1199)	ç	:	:	:	0 :	:	
Library and Archives Group (1400-1499)	E1	:	:	:	3'	:	3.
Supply Group (2000-2099)	_	:	:	:		:	٠.
Transportation (2100-2199)	-	:	:	:	•	:	•
	8,418	7	30	-62	8,362	-123	8,239
000000000000000000000000000000000000000	189	:	:	:	189	7	187
U.S. Field*	8,245	7	30	-82	8,173	-121	760 '8
Total	8,418	*-	30	-82	8,362	-123	8,239

*Includes positions assigned to the U.S. Attorney's office in Washington D.C.

	9	Years	AMOON
1993 Appropriation Anticipated	8.362	6.119	\$796,962
			•
1990 pay annualization.	:	:	5,641
Within - grade increases	:	:	2,027
Administrative salary increase.	٠	:	6,047
Federal Insurance Contributions Act (FICA)	: 1	: :	5,659
General Services Administration (GSA) Rent		:	46.022
Postsi Equipment ourchase	:	:	1.261
Postal - Eculoment renta/maintenance	:	: 3	352
Postal - Contract services	: :	: :	900
Postal - Under-reported postage usage	: :	: :	208
Government Printing Office (GPO) and Department Printing		: :	143
Project EAGLE Maintenance	: :	: :	5.196
Combuter Security Disaster Recovery System	:	:	23
Emolovee Date and Pavrott Services	: :	: :	8
GSA Recurring Reimbursable Services	:	:	8,129
Lease Expiration Costs	:	:	857
General pricing level adjustments	: :	:	4,051
Total, mandatory increases	:	:	96,494
Decreases:			,
Action Companies and Companies	:	:	(10)
Unemployment Compensation - Redistribution	:	:	(€
Non-recurring decrease for FTS savings	:	:	(1,449)
Total, decreases.	:	:	(1,681)
Non - recurring transfer relating to OLE relocation	:	:	(22,400)
Non - recurring transfer of HIDTA funds	;	•	(6,262)
1994 DQJ Base	8,362	6,119	853,113
Savings to achieve deficit reduction targets	:	-217	-32702
1994 Basekine.	8362	7902	92041
Program decreases	(123)	(123)	(11,614)
		4	100

68-536 O-93-29

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. (TO Day Arms [165] Dr. revenues only first course detains through December) of the 1995 proposed 3.7 percent pay increase effective in January of 1995 and 150 percent pay increase effective in January of 1995 and 150 percent pay increase effective in January of 1995 and 150 percent pay increase effective in January of 1995 and 1995	÷	3,8
Ministrate increases in a second in costs of within-grade increases. This increase is based on an accurate, dynasic make of the Department's framework forces such as an exclusion from your categories and a second independent to include these year attriction parts of the department of the control of the co	:	2,827
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Fabril Instance Corcillation at (112). The first will propried for samey 1 992, the base on bits semings to sais sewity and health insures computations are elected increased from the foreign and from 50% 49 to 50% 50 or 40 miles 50% 49 to 50% 50 or 40 miles 50% 50% 50% 50% 50% 50% 50% 50% 50% 50%	:	8,68
STREET SETTION ACCURATE (SEE THE STREET THE STREET	:	44,622
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09-4, 834,443-24,992	È		£		£			
08-9, 814,346-23,439	ž		×		**		: :	
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08-3, 914,663-14,986	2		a		2		: 1	
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Ungraded position	1,000		2004		3.78		6	
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Tetal, apprepriated positions	Ş	9436,494	6,362	\$446,597	573	434.004	(31)	(16.511)
Pay above stated anamal rotes	i	3,383	:	***		2	;	
Lepester	98	(47,889)	(457)	(47,463)	(637)	(47.498)	. 1	;
Serings due to lower pay socies for part of year		(3,431)	. 1	(3.5%)			! !	158
Not full - sime per moneth	2,468	746,978	7,985	397,123	2,83	740,281	(81)	(A.945)
Other thes permonent:								
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Other personnel compressedon:								
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Other compensation	ı	984.	1	1,400		-	: 1	1 1
Speakel personnel neavloss pryments	•	2,949		2,488	:	2,986		: :
Total, wedgeen and personnel compensation	LM1	419,723	A, 198	637,347	7,436	43447	(946)	(13,007)
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Among District Contra								
AVERSO SEET STEEMING COMMISSIONS		4.4		7.9		•		

Unacel States Altorneys
Salaines and expenses
Sammany of Requirements by Grade and Object Class
(Dallats in thousands)

	1992 Actual	ā	1993 Estimate	:	1994 Request		- 1	נכוביוב
Obert Ose	Workwars	Annual	Wintexars	STATE OF THE PERSON AND PERSON AN	Wintykars		Winty	Amount
11.1 E.A. Line membership	7.468	211 0212	7.505	\$397.123	7,360			(KK)
11.2 Other than full stone measurement	SI4	105.11	19	33,501	266	27,439	(213)	(000)
11.5 Oaks secretary consequents	7	1015	2		2			•
11.2 CARLI PETRUBAL COMPANIONIMAN	2	2.95	: :	2,5%	ī	1,983	:	:
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: C		75.774		72,963		109,450		36,467
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I leading to deliner that -of-very		(9,000)		(19,476)		(37,23)		
UnoNigated helance, cad-of-year		19,476		37,235		37.78		
Unobligated balance capiring		יטו,ונר		736,962		808,797		
Relative of obligations to contax:								
Othigsted balance, start - of - year.		669'011		53,137		6333		
Obligated balance, end -of -year	1	(51.157)		51017		784,806		
				•				

The destribution of direct feads by object class differs from the BFS due to the adjustment in GSA rent. The reveal GSA rent annumi may be understated due to the need to abunch OCD ETF resulturable rent outs.

GENERAL STATEMENT

Mr. Skaggs. Testifying is Anthony Moscato, Executive Office of

the United States Attorneys. And with you is-

Ms. White. Mary Jo White, the Interim United States Attorney for the Eastern District of New York, and I guess the recommended nominee for the U.S. Attorney in the Southern District of New York.

Mr. Skaggs. Rumor has it you are moving to Manhattan. Good luck.

Ms. White. Thank you. I will need it.

Mr. Skaggs. Mr. Moscato, we will insert your biography and the written testimony into the record and ask that you proceed with your statement.

[The biographical sketch of Mr. Moscato follows:]

BIOGRAPHY OF ANTHONY C. MOSCATO

Anthony C. Moscato was named the Director of the Executive Office for United States Attorneys in January, 1993. Prior to that he served in senior management positions in the Department's Justice Management Division, including Deputy Assistant Attorney General for Administration from 1987 to 1989 and again from 1990 to 1992. In 1989 and 1990 he was the Acting Inspector General for the Department of Justice.

Anthony C. Moscato was born in New York, New York on September 4, 1945. He received his B.A. degree in Government from Columbia University in 1967, and his J.D. degree from the National Law Center, George Washington University in 1970.

He began his Department of Justice career as a Trial Attorney in the Tax Division in 1976 and 1977. He then moved to the Justice Management Division as the Special Assistant to the Assistant Attorney General for Administration from 1977 to 1979. Between 1981 to 1984 he served as the Director of three Justice Management Division staffs; the Property Management and Procurement Staff, the Evaluation Staff and the Finance Staff. From 1984 to 1987 he served as Counselor to the Assistant Attorney General for Administration and was also the Acting Procurement Executive.

Anthony C. Moscato is married to Deborah S. Moscato, and has two children.

OPENING STATEMENT

Mr. Moscato. Mr. Chairman, I am pleased to have the opportunity to appear before you in support of the 1994 budget request for the United States Attorneys. We, too, appreciate, as others have noted, the continuing support of this committee in years past.

The United States Attorneys are requesting a total of \$808,797,000 with 8,239 positions and 7,779 workyears for fiscal year 1994. These resources will enable us to continue criminal prosecution efforts against violent criminals, white collar and economic crime, hate crime, to escalate enforcement efforts under the Child Support Recovery Act of 1992, and to improve a variety of administrative areas, including, most specifically, our Case Management System.

In addition, the United States Attorneys expect to be reimbursed \$77,717,000 from the consolidated Organized Crime Drug Enforcement appropriation. That includes 932 positions and 915 workyears. The request includes a reduction of 123 positions, 123 workyears and \$11,614,000 from the 1994 base. The reductions, which meet the workyears and resource levels requested by the administration, can be achieved through prudent management of litigation

support activities, reducing training and conferences, through reduction of travel, control of administrative costs, and attrition.

Our efforts in priority program areas will not be diminished nor will the quality of the casework be adversely affected. Inflationary price increases will be absorbed through careful oversight of spend-

ing in non-program areas.

The work of the United States Attorneys lies at the heart of the Nation's legal system. Within each of the 94 Federal districts in the 50 States, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the United States Attorney is the chief law enforcement representative of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved.

We function as an integral part of the Federal justice system, acting in concert with investigative agencies, the courts and the

rest of the executive branch.

During the last several years, in the area of criminal litigation, we have focused much of our energy on programs which foster improved relationships with State and local agencies and communities in dealing with the increasing criminal problems that they face. Two examples of this are Project Triggerlock and Operation Weed and Seed.

Project Triggerlock is a joint Federal, State and local effort targeting the most dangerous felons in each community for prosecution. Tough Federal sentencing laws have resulted in the incarceration of thousands of armed and dangerous offenders, preventing a multitude of other crimes by those same individuals.

WEED AND SEED

Operation Weed and Seed is a comprehensive approach to neighborhood revitalization, which combines strong local—strong Federal, State and local law enforcement, social service delivery, job training and redevelopment efforts in communities throughout the Nation. The program reduces the direct total of violence and drug activity in targeted neighborhoods and enhances social and economic programming in the communities.

White collar crime continues to be a priority. Bankruptcy fraud task forces have been formed in several districts in cooperation with the FBI and the United States Trustees. Insurance and health care fraud, financial institution fraud, computer fraud, telemarketing fraud, and a whole variety of areas of fraudulent activity con-

tinue to receive enhanced attention.

Other areas where we will focus our attention include the Child Support Recovery Act, crimes against children on Indian reservations, problems emanating from gambling activities on Indian reservations and violations of civil rights by individuals and groups exhibiting prejudice based on race, religion, ethnicity and sexual preference.

In the civil arena, we are focusing our efforts in those areas which have the greatest return for the government. An example of this is a pilot project to enhance enforcement of civil monetary penalty statutes which was implemented in three districts in 1992. That program focuses primarily on false claims, health care fraud

and environmental enforcement. These programs prove to be extremely cost-effective, generating a dollar collected for every 10

cents expended.

Another effort I would like to mention just briefly that deserves our support is a uniform Department Case Management System. A departmental standards committee has issued a report in which the United States Attorneys participated, setting forth the standards for the new case management system, and a technical subcommittee is working on the development of an implementation process for that new system.

This concludes my statement in support of the U.S. Attorney's 1994 budget request. Ms. White and I would be pleased to respond

to any questions you may have.

Mr. Skaggs. Thank you very much.

[The prepared statement of Ms. Moscato follows:]

DEPARTMENT OF JUSTICE UNITED STATES ATTORNEYS

STATEMENT OF ANTHONY C. MOSCATO.

DIRECTOR, EXECUTIVE OFFICE FOR THE UNITED STATES ATTORNEYS

BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON

THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE

JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you in support of the 1994 budget request for the United States
Attorneys.

The U.S. Attorneys, who are the principal litigators on behalf of the United States Government, are requesting a total of \$808,797,000, 8,239 positions (including 3,791 Assistant United States Attorneys) and 7,779 workyears for 1994. These resources will enable us to: (1) continue criminal litigation efforts against violent crime, white collar economic crime, and hate crimes; (2) escalate enforcement efforts under the Child Support Recovery Act of 1992; and, (3) improve the Case Management System.

In addition, the U.S. Attorneys expect to be reimbursed \$77,717,000 from the consolidated Organized Crime Drug Enforcement budget request for 932 positions (including 509 Assistant United States Attorneys) and 915 workyears associated with supporting Organized Crime Drug Enforcement Task Force activities.

The request is a reduction of 123 positions (62 attorneys),
123 workyears, and \$11,614,000 from the 1994 base. The

reductions, which meet the targeted workyear and resource levels requested by the Administration, can be achieved through prudent management of litigation support activities, reducing training and conferences, controlling other administrative costs and attrition. Our efforts in priority program areas will not be diminished, nor will the quality of casework be adversely affected. Inflationary price increases will be absorbed through careful oversight of spending in non-program activities.

ROLE OF THE UNITED STATES ATTORNEYS

The work of the U.S. Attorneys is the heart of the nation's legal system. Within each of the 94 Federal districts in the 50 States, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the U.S. Attorney is the chief law enforcement representative of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. It is our mission to prosecute those who violate our nation's criminal laws, to protect the public from those who use illegal means to further their private interests at the expense of the general welfare, and to assert affirmatively, through the courts, those national policies established by Congress, the Administration and the Attorney General.

We function as an integral part of the Federal justice system. We act in concert with the investigative agencies, the courts and the rest of the executive branch of government. Therefore, the resource needs of the U.S.Attorneys are to a great

extent dependent on the resources provided to the investigative agencies and the Courts.

While we are not requesting additional resources, our efforts will continue to be directed at identified priority areas.

CRIMINAL LITIGATION

A program decrease of 89 positions (46 attorneys), 89 workyears, and \$8,596,000 is required to meet the workyear levels established by the Administration. This reduction will impact the general crimes programs of the U.S. Attorneys offices. Priority programs will continue to be prosecuted.

VIOLENT CRIMES

Operation Weed and Seed is a comprehensive approach to neighborhood revitalization, which combines strong law enforcement, social service delivery, job training and redevelopment efforts in communities throughout the nation. The program is based on two theories: revitalization of high-crime areas cannot occur unless and until the residents of those areas, working with law enforcement, take back their streets from the criminals; then, only when all service providers collaborate with residents, government and the private sector on a comprehensive approach to local needs can true revitalization take place.

The program reduces the direct toll of violence and drug activity in the targeted neighborhoods and reduces social and economic dependence upon crime and drug activity.

Project Triggerlock is a joint Federal, State, and local

effort to target the most dangerous armed felons in each community for prosecution. During its first full year Federal firearms prosecutions have more than doubled, now accounting for approximately 10 percent of Federal prosecutions. Tough Federal sentencing laws are resulting in the incarceration of thousands of armed dangerous offenders, preventing countless crimes.

CHILD SUPPORT

The Child Support Recovery Act of 1992 imposes criminal penalties for the willful failure to pay a past due support obligation with respect to a child residing in another State. There are potentially thousands of these cases nationwide and policy guidelines for enforcement are being developed.

MATIVE AMERICAN MATTERS

An increase in the number of reported sex crimes and violent crimes against children on Indian Reservations has been noted.

The U.S. Attorneys are working with the Criminal Division on an initiative to develop more uniform prosecution efforts among U.S. Attorneys, and to train a pool of attorneys in the skills needed for prosecution of child sexual abuse cases.

The majority of the gambling activities on Indian
Reservations are operating under compact with the State as
required under the statutes and enforcement action has been taken
against the those not in compliance. Other problems are
beginning to surface, including the incursion of organized crime
and some increase in general crimes including embezzlement,
theft, and corruption.

ECONOMIC CRIME

White collar crime will continue to be a priority. Bankruptcy Fraud task forces have been formed in several districts in cooperation with the FBI and the U.S. Trustees. Insurance fraud and health care fraud referrals have increased. Financial institution fraud, computer fraud, telemarketing fraud, defense procurement fraud, and pension fraud are also areas which will receive attention.

CIVIL RIGHTS

We will continue to prosecute violations of civil rights by individuals and groups exhibiting prejudice against people based on race, religion, ethnicity and sexual preference. These groups are becoming increasingly violent in their actions against persons and property, in some cases causing death.

CIVIL LITIGATION

The program decrease of 32 positions (16 attorneys), 32 workyears, and \$2,711,000 is required to meet the workyear levels established for this program. Defensive litigation accounts for approximately 70% of the civil workload. Resources available for affirmative litigation will emphasize priority areas established by the Attorney General.

AFFIRMATIVE CIVIL FRAUD ENFORCEMENT

A pilot project to enhance enforcement of civil monetary penalty statutes was implemented in three districts in 1992. The program focused primarily on false claims, health care fraud, controlled substances civil enforcement, environmental enforcement, and qui

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tam actions. The program proved to be extremely cost effective, collecting approximately \$7 million in civil penalty payments at a cost of approximately \$700,000.

DEPARTMENT'S CASE MANAGEMENT INITIATIVE

We will continue to support the development of a single uniform

Department Case Management System. A "Standards" subcommittee

has issued a report setting forth the standards for the new case

management system, which has been agreed to by representatives of

the litigating components of the Department. A "Technical"

subcommittee has completed the development of an implementation

process for the new system and forwarded it for approval.

This concludes my statement in support of the U.S. Attorneys 1994 budget request. I would be pleased to respond to any questions that you or the other subcommittee members may wish to ask.

EXECUTIVE OFFICE UNITED STATES ATTORNEYS

Mr. Skaggs. I am curious about the position that you hold. I assume this is an administrative position within Justice here in Washington that attempts to coordinate U.S. Attorney business around the country?

Mr. Moscato. The Executive Office for the United States Attorneys is, basically, an administrative support arm for the 94 U.S.

Attorneys.

Mr. Skaggs. Administrative as opposed to operational?

Mr. Moscato. We provide operational support in a variety of areas, but the prosecutorial and litigation decisions are made by the U.S. Attorneys.

Ms. WHITE. Or someone else in the Department.

Mr. Skaggs. Or, if they come to the Department, it is in somebody else's shop, not yours.

Mr. Moscaro. That is right.

BUDGET REDUCTIONS

Mr. Skaggs. Your prepared statement indicated that, even though you are owning up to a loss of 123 positions and over \$11 million, that you are still going to be able to do everything all right next year. It is the sort of thing we love to hear but also have to ask whether it is realistic.

Mr. Moscato. We are going to work carefully. It is \$11 million. It is 123 positions. We are operating against a base of in excess of \$900 million and a base in excess of 9,000 people. That means we need to take these reductions in accord with the administration's position, but we think we can manage this reduction carefully enough to do it without a direct impact or a mitigation of the effort.

FEDERAL EMPLOYMENT REDUCTIONS

Mr. Skaggs. So that is your hit on the—whatever it is—3 percent a year for the next four-year program?

Mr. Moscato. That is our hit on President Clinton's announced

reductions in FTE levels government-wide.

Mr. Skaggs. I thought that was really keyed into administrative positions more than operations in the trenches.

Mr. Moscato. There is a 3 percent hit on administrative ex-

penses, but there is also an overall hit on FTE.

Mr. Skaggs. I would like to sort of lead you into perilous waters, f I may.

Mr. Moscato. That is why Ms. White is here.

JUROR FEES AND INDIGENT DEFENDANTS

Mr. Skaggs. We are beset right now with problems generated by having underfunded, I guess is the most honest way to put it, juror fees and appointed counsel defense fees for this fiscal year. That is generating various reactions from the Federal bench around the country. What are your thoughts on where things ought to proceed, particularly in the competition between civil and criminal cases for juror fees?

Ms. White. That is yours, Tony.

Mr. Moscato. I don't want to sound terribly parochial, but we are trying to manage a reduction in the Executive Office of the U.S. Attorneys. Obviously, the concern around juror fees and the capacity to provide representation is a critical issue. We can't go forward without that. But, past that, I am not certain whether there is an appropriate position we might take in that regard.

Mr. Skaggs. I am not sure whether there is either. I just wanted

to see if you would take it.

Mr. Moscato. Having stepped to the precipice and looked down. Ms. White. One consequence of that, if I might add to that, is the attempt on the part of some of the judges, at least in my current district, the Eastern District of New York, to shift those costs to the United States Attorneys Office-interpreters in Spanish-speaking drug cases, some of the discovery expenses ordinarily that the Criminal Justice Act budget would absorb. I mean, that is one thing that is happening, as a consequence of that. I am afraid I can't speak to where the money should be found or can be found.

JUROR FEES-CRIMINAL VS. CIVIL TRIALS

Mr. Skaggs. Well, do you have a professional opinion as to whether there is any higher priority to be afforded the continuation of criminal jury trials versus civil jury trials and drawing against that limited pool right now of monies available for juror fees?

Mr. Moscato. Our current allocation of resources tends to run 75/25 criminal and civil. There is a temptation to say that the criminal side is of greater importance. On the other hand, we may be reaching an irreducible minimum in terms of what has to occur on the civil side.

Mr. Skaggs. Has there been any effort within the Department to begin a constitutional analysis of this?

Mr. Moscato. Not that I am aware of, sir.

Mr. Skaggs. Would you check if there is? I think we would be interested in getting it for the record.

Mr. Moscato. Sure.

Mr. Skaggs. I know staff has been working with the Administrative Office of the Courts and with the Department on all of this. [The information follows:]

JUROR FEES AND INDIGENT DEFENDANTS

We are not aware of any specific analyses of juror fees and indigent defendants issues. The Attorney General has directed a review of federal prosecuting and sentencing policies. The issues you have raised are clearly within the scope of the review directed by the Attorney General.

JURISDICTION REVIEW

Mr. Skaggs. This reflects in this fiscal year the overall and bigger issue of the stress level that the Federal court system is under. And I am wondering if you have any thoughts on such matters as raising jurisdictional amounts for diversity cases or raising filing fees or.—I realize that is not under U.S. Attorney prerogative, per se, but you must give thought to ways we can make the system

attend to those things that it really needs to be used for and not

for the extraneous stuff.

Mr. Moscato. The Attorney General, on being asked specifically with regard to the range in allocation of cases in the criminal side between Federal, State and local prosecutors, has indicated that the Department, under her agency, is going to undertake a review of the allocation of responsibility in that area and, in concert with State and local prosecutors and Federal agencies. I think she characterized it as a principal determination with regard to how to make another set of decisions around that allocation.

Do you want to add anything?

Ms. White. My own personal, professional opinion has been for some years is—that it would be helpful to raise the jurisdictional amount for diversity cases, but it is not based on a thorough or current review of the dockets.

Mr. Skaggs. I think that we are interested in getting a sense of what the community feels. And leaning on our colleagues on the Judiciary Committee that—we went to \$50,000 a few years ago, and these days that is not really a very big case, is it?

Ms. White. No, it isn't. It really is not a very big case. On the other hand, there are a lot of cases that have that much in them.

Mr. Skaggs. That are in the pipeline.

Ms. White. That are in the pipeline. That is right.

FEDERAL AND STATE JURISDICTION

Mr. Skaggs. How about—getting more into your domain—the tendency toward federalizing more new offenses and also asserting Federal jurisdiction where there is coincident jurisdiction with the State courts? You just touched on that a little bit, but I am-

Mr. Moscato. It was really within the context, certainly, of the latter issue that the Attorney General made the statement that she

had made.

The issue has been raised in a number of arenas including congressional committees, regarding the existing practices where there is dual jurisdiction, and the concerns raised by the judiciary and others about the kind and type of criminal cases, specifically drug cases, that are being brought. And she has indicated we are going to undertake that review.

I think we have, as well, concerns about federalizing additional

areas, and you may want to pick up on that.

Ms. White. In terms of the narcotic cases, obviously we do have concurrent jurisdiction with the local authorities, and I think our bench, at least in the Eastern District, is quite frustrated by the volume of those narcotics cases that are brought.

On the other hand, I don't think we can stop bringing them responsibly either. We have urged the local law enforcement authorities to take on as many as they can, and, really, they are at the strangulation point, and we are convinced of that.

I think a lot of the frustration, frankly, on the judiciary's part comes not so much from the presence of, for example, narcotics cases of not the highest magnitude but rather what they have to do at the other end, the sentencing end, whether it be mandatory minimum problems, sentencing guideline problems. And that is an

area that I know the Attorney General is committed to do a very intensive review.

MANDATORY MINIMUMS

Mr. Skaggs. What do you hear? Is there a consensus view among the U.S. Attorneys around the country as to the real futility of the

mandatory minimum provisions of the law?

Ms. White. I don't think there is a consensus, at this moment. I think there is a lot of frustration with it. I think there is a place—and I think there is less than a consensus but a majority opinion, perhaps, that there is a place for mandatory minimums. But the existing structure, which places a number of those on courier narcotics defendants——

Mr. Skaggs. The five-gram crack, no prior offense.

Ms. White. That is right. In other words, you have by quantity some defined heavy-duty narcotics defendants who really are at the top of the heap in the organization, and so I think that bears very

close scrutiny.

What you find, again, with our judges, and I think judges in other parts of the country, are all sorts of urgings to the U.S. Attorney's Office to figure out a way not to charge the mandatory minimums. Can't you go back and have them cooperate so we can depart downward and so forth in terms of the sentencing. It expends a tremendous amount of resources.

I hope there will be a consensus when the new U.S. Attorneys are in that the issue deserves a lot of attention and some revision.

Mr. Skaggs. Well, my brief experience here has been that Members of Congress don't set the standard for courage, necessarily, in speaking out about things like mandatory minimums and the deleterious effect that it can really have on what we are trying to get done in the administration of criminal justice. And so if, indeed, most of your colleagues end up sharing a view like that, I think it would really further the debate around here in a profound way to have the U.S. Attorneys in the country speaking out and trying to educate public opinion about how counterproductive some of this is.

Ms. WHITE. I understand.

SENIOR JUDGES-JUDICIAL PRIVILEGE

Mr. Skaggs. Is it the Eastern District where a couple of judges

have recently gone on strike, essentially?

Ms. White. One of each. One in my current district and one in my district-to-be. Judge Weinstein is one who has taken himself out of the wheel for narcotics cases, and Judge Wittman-Knapp in the Southern District has done the same. They are both senior judges, so, as I understand it, they have that option as to any category of case.

PROJECT TRIGGERLOCK

Mr. Skaggs. You had mentioned the Triggerlock program in your testimony. What is the connection between that and ATF's Achilles task forces? Are they overlapping, similar, coordinated, what?

Mr. Moscato. Coordinated in the sense that they run through one another. In the end the prosecution is made. The ATF is the investigative element of it, and they bring them to the prosecution.

But Triggerlock is broader in that it is not just the ATF, it is the whole range of cases involving felonies for crimes involving use of firearms. We have had in excess of 10,000 of those prosecutions over the last two years.

Mr. Skaggs. So ATF can generate a prosecution or you can generate an ATF investigation in the area of shared concern, is that correct?

Mr. Moscato. Yes.

DEBT COLLECTION—GENERAL PROVISION

Mr. Skaggs. In your debt collection efforts, there is a proposed general provision concerning crediting 3 percent of civil debt collection to a working capital fund. Could you explain a little bit about how that would work and what its purposes are?

Mr. Moscato. I will get started. I think that might, as well, be a

question that Mike Roper might want to address.

The Department has had ongoing for the last several years the development of a national central intake facility for debt collection so that we could get some control over debts referred in the Department. That has not historically been consistently funded, and the lack of the consistent funding has hampered its development in some dramatic ways.

I think this proposal looks to provide a pretty stable funding mechanism to provide enough support to get that central intake facility, which functions as a single gateway through which all debts come to the Department, so that they can be counted and managed and maintained while we go out to collect them, but we can get that thing on a continuing footing.

Mike, you may have more that you want to say.

Mr. Skaggs. Would you identify yourself? Mr. Roper. Mike Roper, the Controller.

While you were not here, at a previous hearing we explored some

of the problems.

One is that we have sought funds in the past related to debt collection. It is very difficult under the committee 602(b) allocations to fund those. The administration is aware of that, and this year they have proposed this provision that would essentially allow us to retain up to 3 percent. At 3 percent—our estimate of receipts that could be retained are in the range of \$15 million a year. That is the amount that could be retained from debts that we collect, civil debts, and then be applied against some of the costs of processing and tracking our debt collection activities.

The administration—that is such a big change for them to do

that. And it would give us that stable—

Mr. Skaggs. Does this end up being a little bit of an off-budget item?

Mr. ROPER. It would be treated as an offsetting receipt. It will not be scored.

NEW U.S. ATTORNEY TRAINING

Mr. Skaggs. Assuming Ways and Means goes along with that idea.

Do you have money in this fiscal year's budget for training of Ms. White and the new crop of U.S. Attorneys coming in? Are we going to get to use it in this fiscal year is an even bigger question.

Mr. Moscato. We are engaged in some cost-cutting exercises this fiscal year as they lead us into next year, and perhaps the expectation of years beyond. But we have an ongoing training program for assistants and staff at the offices at all levels, and that does include new United States Attorneys as they come on board.

Mr. Skaggs. I am told you are saving salaries for 92 of them at

the present time.

Mr. Moscato. Doing the best we can, sir.

Mr. Skaggs. But is there a fairly formal concerted effort to deal with the new U.S. Attorneys? And did you anticipate that in your budget request for this year?

Mr. Moscato. Yes. Historically, new U.S. Attorneys have been assigned mentors in terms of existing and experienced U.S. Attorneys. We won't, I think, be able to do that as we do the full change.

We also have a program wherein, as 10 or 15 new U.S. Attorneys come in, we bring them together, whether in Washington or in another place in the country. We go through a whole variety of management issues. We will, in this case, probably invite several former U.S. Attorneys to come and join with them, and help them over some of the issues that they are going to be facing. They will learn from each other as they go through the process as well.

We will be doing that at staged intervals later on this fiscal year,

and then throughout next year as well.

Mr. Skaggs. I think that will do it. We may have some other questions for the record.

Thank you very much.

Mr. Moscato. Thank you, Mr. Chairman.

FEDERAL PRISON SYSTEM

WITNESSES

KATHLEEN M. HAWK, DIRECTOR
WADE B. HOUK, ASSISTANT DIRECTOR FOR ADMINISTRATION
STEVE SCHWALB, SENIOR DEPUTY ASSISTANT DIRECTOR
ROBIN L. BEUSSE, CHIEF BUDGET DEVELOPMENT
STEPHEN R. COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL CONTROL-LER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Smith. Continuing with our review of the Department of Justice, we will now hear testimony from the Federal Prison System. For fiscal year 1994, the Prison System requests \$2,036,003,000 for Salaries and Expenses, and another \$276,850,000 for Buildings and Facilities, and \$10,211,000 for the National Institute of Corrections. We will insert in the record at this point the Prison System's fiscal year 1994 budget justification.

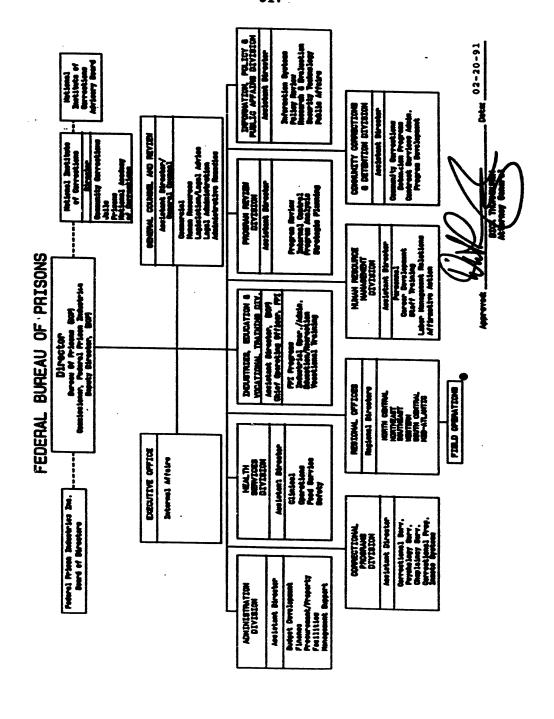
[The justification follows:]

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Justification of Program and Performance

Federal Prison System

Salaries and expenses

Summery Statement

Fiscal Year 1994

The Bureau of Prisons (80P) is requesting a total of \$2,036,003,000, 25,660 permanent positions, and 23,210 workyears for the Salaries and Expenses appropriation in 1994. This represents an increase of \$252,315,000, and 870 positions, and a decrease of \$45 workyears from the 1993 availability.

This appropriation will enable custody and care for a projected average daily population (ADP) of 82,717 offenders and for the maintenance and operation of 70 penul institutions, 6 regional offices, 2 staff training centers, a central office, and the contract confinament of 10,775 federal offenders in approximately 400 state and total jails, 41 juvenile facilities, and 275 community corrections centers in 1994. A geographic display of the Bureau of Prisons is included on page 4.

The mission of the Federal Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based decilities that are asid, humen, an appropriately secure, and which provide bother self-improvement opportunities to asiate offenders in becoming leaveboling citizens. The Bureau currently manages 71 facilities in six regions of the Country, and as of March 4, 1993 supervises nearly 74,600 limites within those facilities. In addition, the Bureau is responsible for approximately 8,300 federal inmates in community corrections centers, contract decilities. As a result of Muricans Andrew's damage to Mismil and Homestead, the Institutions were closed in August 1992. MCK, Mismil, Floride was rededicated on February 23, 1993, and will resume its intended mission by gradually increasing its inmate population until it resches its full operating level by May 1993.

There are three major appropriations for the Federal Bureau of Prisons: Salaries and Expenses; Buildings and Facilities, and; Mational Institute of Corrections. The purpose of the Salaries and Expenses appropriation is to provide for the custody and care of all Federal offenders, whether in Federal central forcing or contract facilities, and to provide for the minimal management and operation of all facilities, regional offices, staff training centers and the central office. The funding for this mission is divided into five programs. Four of these programs chiefly address issues directly related to inmate care and custody. They are: Inmate care; Inmate programs; contract confinement; and institution security and maintenance. The other one addresses institution administration, management, and training.

for 1994, investments totalling \$151,000,000, 2,828 positions, and 828 workyaars are requested to provide for a projected increase in the inmate population; to activate new feelitities, and to expand contract forfinement at a Joint 809/Immigration and Maturalization Service (IMS) contract feelity in the southwest. The investment request is contingent upon enectment of an omnibus budget reconciliation act that contains the President's deficit reduction package. Following is a brief summary of each initiative:

Population increase

for 1994, a total of \$24,000,000 is requested to support the projected population increase. These additional resources will enable the Bureau of Prisons to meet the costs of food, medical care, clothing, inmate transportation, security, unit management, education, recreation, psychology, records, and maintenance associated with the projected population increase of 11 percent (8,257).

Law enforcement initiatives during the past decade, especially those directed at major drug trafficking and violent crime, have more than tripled the Federal priorn population - from 23,783 in 1981 to nearly 74,600 (mastee by March 1993. Recent experience indicates that the rate of growth continues at a rapid pace, increasing nearly 8,300 or 12 percent since March 1992. Based on short-term analysis of this growth level, Federal court cases pending, and the impact of tougher crime legislation, the Bureau projects that the average delity institution based population will increase by 8,237 inmates (1) percent) during 1994, from 74,460 to 82,717.

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Activation of New facilities

Over the past several years, the Bureau has been engaged in the largest capacity expansion effort in its history, with substantial resources dedicated to the construction of new prisons and the expansion of existing facilities. In 1993 and 1994, the Bureau's capital investments will begin to pay off, with a number of past year construction projects coming to fruition, resulting in a significant activation increase. The Federal Prison System is requesting a total of \$112,000,000, 2,828 positions, and 828 workvers for those facilities which will require activation resources in 1994. These facilities will add 4,620 critically needed beds in 1994 and the remaining 3,898 beds in 1995.

Facilities:	Estimated Activation Date	Beds	Pos.	5	Amount (\$000)
Activation of New Facilities:	10/01	\$	-		8 07 0C 3
Mine FL MDC	12/03	233	3	222	10,010
Florence, CO FCC (High)	*	3	×	25	20,815
Allenwood, PA FCC (High)	76/-	3	¥	₹	21,743
Allenwood, PA FCC Witsec Unit	8/6	24,5	×	m	187
Florence, CO FCC (Admin.)	76/6	787	22	2	190,1
Cumberland, MD FCI (med/min)	76/6	1,024	2	22	1,159
Pekin, 1LL FCI (med/min)	76/6	1,024	ž	22	1,159
Greenville, ILL FCI (med/min)	36/6	1,024	3	22	1, 159
Subtotal, new Activations		4, 113	2,48	20	3,8
Activation of Expansions:					
Atlanta, GA Detention Unit	6/93	422	<u>\$</u>	ድ	6,701
ft. Worth, TX Long Term Care Unit	*	85	117	ઢ	8,368
Big Spring, TX Special Unit	8/6	787	2	~	86
El Reno, OK Special Unit	76/6	240	2	1	501
Subtotal, Expansions		202	332	140	15,359
Total, Activations		6,620	2,828	828	112,000

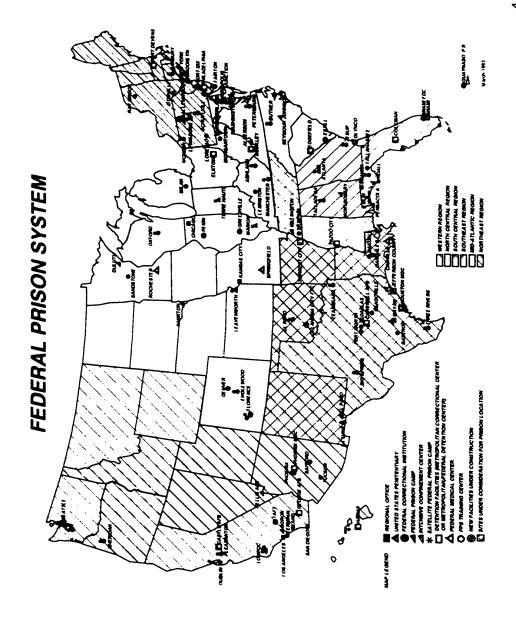
1496 positions were included in the 1993 budget and 207 workyears were annualized in the 1994 request. 2 Beds have not been included in the 1994 total since these facilities will not accept inmates until 1995.

Opening a new facility is the culaination of four steps: site selection, design, construction, and activation. To avoid delays in acceptance of immates, it is necessary to staff facilities three months prior to activation, and equipment which requires long lead time is ordered six months prior to activation.

The current population (as of March 4, 1993) of nearly 74,600 immates is housed in prison facilities that should confine only 52,737 immates, resulting in a current overcroading rate of 161 percent of capacity. If the population growth in 1994 continues to exceed the capacity growth, there will be relatively small changes in the overcroading rate by the end of the year.

Contract Confinement

ġ for 1994, the Bureau is requesting a program increase of \$5,000,000 to fund a 1,000 bed Joint BOP/INS contract facility in the Western Region for quarter of the year. This will provide 500 beds for BOP sentenced criminal aliens, and 500 beds for the INS detainees.



\$1,865,003,000

Federal Prison System

Salaries and expenses

Justification of Proposed Changes in Appropriation Lenauses

The 1994 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

for expenses necessary for the administration, operation, and misterance of Federal penal and corrections in Institutions, including surchase (not to exceed 153) of which 344) are for	replacement only) and hire of law enforcement and pessenger motor The provision of technical manifests and tacked and advice and advices; and for the provision of technical manifests and advice on corrections related fause to foreign accordants: [31, 481, 282, 200];	Provided, That there may be transferred to the Mealth Resources and services Administration such amounts as may be necessary. In the discretion of the Attorny General, for direct expenditures by that Administration	for medical relief for immates of Federal penal and correctional Institutions; provided further, That the Director of the Federal Prison System (FFS), where necessary, may enter into contracts with a flacal securifyfical intermediary	claims processor to determine the amounts payable to persone who, on behalf the PFB furnish health sevicies to individuals committed to the castody to the PFB. Provided further. That uniforms may be curchased without resent to the	general purchase price limitation for the current flacal year: Provided Thinker, That not to exceed \$6,000 blail be available for official reception and representation apparaes: Provided further. That not to acceed \$50,000,000 for the activation of now facilities shall remain evailable until September 30, [1994]
For expense maintenance including a	replacement vehicles;	Provided, T Services Ad of the Atto	for medical Provided fu	claims proc of the FPS,	general pur further, Th representat activation

Investments

In addition to amounts otherwise available under this head, and subject to the same terms and conditions, \$151,000,000,

(18 U.S.C. 3020, 3029, 3031, 4001, 4002, 4007, 4008, 4011, 4041, 4042, 4081, 4082, 4731, 4

Explanation of Changes:

- The Federal Prison System is requesting changes in the cellings for new and replacement automobile purchases. In support of the 1994 budget request, the Federal Prison System would require a total authority for purchase of not to exceed 770 motor vehicles of which 405 are for replacement only. <u>.</u>:
- \$151,000,000 is for a projected increase in the immate population; to activate new facilities; and to expand Contract Confinement at a Joint BOP/HMS Contract facility in the southwest. ~;

Federal Phison System Salaries and expenses Crosswalk of 1993 changes (Dollars in thousands)

	å	FY 1983	Į	8	Congressional	- E	Transfer From	FY 1983 Parm	Ę,		3		3	200		ž	
	•	Peques		8	on 1983 Request) Table	Fund	Aduction	E Gi	Appro	ve pou	Appropriation Anticipated	Camponer	Innete		A STATE OF	. ≧ 1
ActivityProgram	2	¥	Amount	2	¥	Amount	Amount	\$	¥	\$	¥	Amount	Amount	Amount	2	¥	Amount
ivrrate Care: kvrrate Care.	9.80	3,360	\$423,510	æ	8	(\$48,102)	\$14.012	Ē	3	3,639	3,376	388,429	\$10.200	(\$6,466)	8	3,376	190,164
Inmate Programs Unit Management Inmate Programs	3,319	3,083	178,086	8 8	3 8	(13,946)	12,425	€€		204.0	3.148 24.22	176,564 104,918	4,378	8 8	3.402	5. 5. 5. 5.	180,581
Subvoted	1	4. 28.	280,068	=	3	(24.662)	10,116	5	5	1	1,567	291.462	7,067		90.0	4,867	288.007
Security and Maintenance: Inathation Security	6.613	98	444.512	8	8	961.13			88.7		Ş	909 907	11 065		9	5	100 H7
Institution Maintenance		1.774	197,120	Ð	=	(36,556)	9.526	€		916.	.7		4.747	8	9	Ž	20.7
Subtotal	20°.	1.156	041,640	3	- 0	(67,692)		(05)	5	-		202,704	15.622		12.731	8	610,574
Contract Confinement	8	8	150,470	Ð	8	(45,481)	4.000	•	•	<u>*</u>	<u>\$</u>	100,001	•		Ī	ä	100,007
Institution Administration: Institution Administration	2.776	2,764	243,152	*	8	(18.875)		€	€	2.808		232,288	98	ê	280	2.78	237,500
Staff Training.	375	æ	41,866	0	~	(4.041)	1,366	•	0		ž	39,216	28	8	376	3	50,155
Management and Administration	Ī	=	106,015	٥	٥	3,946	3.846	5	2	_	-	106.016	0		1.178	1,174	106,016
Subtotal	į	200	390,068	×	Ş	(30 (30 (30 (30 (30 (30 (30 (30 (30 (30	13.426	Ø		4,367	900	176.519	9.80	Ī	4,367	4,306	362,756
TOTAL	25,000	23,630	20,530 * 1,606,751	2	8	(213,829)	90,409	(236)	(240) 24	24,990 23	23,666 1,761,231	162.18	90,00	(7.543)	24,990	23,566 1,783,688	783,886

* Excludes 127 reimburanble workyears.

** Includes \$15,000,000 base reduction.

***Transfet \$800,000 to General Legal Activities, \$42,705 for discretionary deability payments and \$6,700,000 to Support of U.S Prisoners.

2,470

28,860 25,210 2,038,003

23,380 22,741 1,909,909

Total 24,880 23,866 1,783,886

Federal Prison System
Selectes and expenses
Summery of Resultements
(Dollars in thousands)

Adjustments to base:										1	Year Year	Amend
Transfer from Crime Votime Fund Transfer from Crime Votime Fund FY 1993 Premainer position and workyear reductions FY 1993 Premainer position and workyear reductions FY 1992 Carryover. 1993 Appropriation Articipated FY 1992 Carryover. Mandacoy increases Arrustication of positions approved in 1993.	din 198	e de la composition della comp				Votre Fund.						20 00 00 00 00 00 00 00 00 00 00 00 00 0
Decrease (automatic, non-policy) Other (DOL) Data Service Charges) Other divisions to base												
•	2	S Avellets	Į,		1904 Bee	ŝ	#		•	Ē	trovered Becrea	•
Estimates by Budget Actifity.		XXX	Amount	E 2	XX.	Amount	E 8	¥	Ameur		¥	Amend
1. Immable care	3,63	3,378	\$383,164	3,408	3,236	24,43	2,753	3,306	9468,744	×	2	# X
2. Inmate programs	5,085	4,067	288,007	47.	8 4.	306,138	283	1	228,971	8	ä	25 26 26 27
3. Security and maintenance	E.	11,100	610,574	10,977	10,710	866,646	12,130	10,864	186,088	1,14	ž	*
4. Contract confinement	Ë	Ē	109,007	ŝ	\$	110,966	5	Ē	116,967	•	•	4,63
5. Institution Administration	4,367	8 , 8	382,756	4,078	4,172	362,694	4,660	4 28	413,330	Ę	117	80,08

Coloring and Greeners

Summery of Researces by Pregrat

•	=	992 se Enacted	cted	Ē	1002 Actual		=	1963 Availability	Į,		1964 Beselve	ale e	=	1924 Estimet		More	Increase/Decrease	
	Ę.			Ē			Ę.			E.			Pea.			F.		
Estimates by Program:	ğ	¥	Amount	ā	¥	Amount	Ž	¥	Amount	Ž	¥	Amount	Ž	¥	Amount	į	¥	Amount
irmate care	3,447	3,173	\$374,380	3,226	2,333	186,888	3,636	3,376	8363,164	3,408	3,236	144,441	3,763	3,306	\$48,744	*	2	\$44,303
kmate programe: Unit management kmate programe	3,156 1,512	2,882	155.277	3,408	2,864 1,387	154,086	3,402 1,863	3,145	180,581	3,186 1,558	1,361	18,486	8,5 25,1	3,6 64,	200,456 126,513	2 %	2 2	1,00
D. de total	3	.	260,503	2 00,	4 ,35	230,526	8 9 8	4,567	288,087	47.4	3	306,136	8,252	3	326,971	3	2	21,632
Security and maintenance: institution security.	1,803	8 8	381,558	1,621	182,	356,883	1,016	1,781	438,928	1,784	4 5	187,082	2,021	777	481,748	2 2	2 2	12,784
Substitution of the substi	11,072	10,220	830,888	10,656	9,578	902,482	11,731	# 18	610,574	10,977	10,710	656,646	12,120	10,064	- 00 - 00 - 00	1,143	3	34,246
Contract confinement	Ī	Ē	108,336	23	214	120,000	Ē	Ī	100,001	5	\$	110,866	3	2	118,007	•	•	4,878
Institution administration: Institution administration	2,48	2,428	215,960	8	2,235	182,761	2,808	2,786	237,588	2,626	2,763	244,796	9.10	2,904	743,502	\$	Ξ	10,704
Management and admin	<u> </u>	2 2 3	38.788 101,020	5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	2 5 2 2 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	30,001 20,000 20,000	376 571,1	3 =	46,183 196,015	ž §	2 F	107,886	972 070 0	8 <u>\$</u>	105,865	≂ &	- §	2,000 1,000
Bubbo bal	4.05 6	144.	353,772	1 24	3,816	338,283	136,1	4,306	342,756	4,078	4,172	362,694	4.550	4.288	413,330	2	11)	20,03
Total 23,481	1	21,700	1,638,900	23,461	20.272	1,553,963	24,860	23,556 1	1,783,866	23,380	17/22	1,808,808	25,860	23.210 2,036,003	000'000'	2,470	3	18081
Reimburnable workyears	1	127		"	127		Į**	127		Ι"	127		Į"	127		1	: 3	

Federal Prison System Salaries and expenses Base Comparison (Dollare in thousands)

	5	1985 Availability	È		1994 Base*	1		1994 Beseline	2	Incre	Increase/Decrease	9889
Estimates by Program:	Pem.	¥	Amount	P 8	¥¥.	Amount	Pem.	XX.	Amount	Poem.	XX.	Amount
Immate care	3,639	3,375	\$383,164	3,408	3,236	\$444,441	3,406	3,236	144,441	•	•	•
Irmate programs: Unit management Irmate programs	3,402	1,46	180,581	3,186 1,558	3,061 1,387	188,495 116,644	3,186 1,558	3,061 7,887	188,496 116,644	00	00	00
Bubotal	5,065	4,567	288,097	4,744	4,438	306,139	4,744	4,438	306,139	0	0	0
Security and maintenance: Institution security	9,015 1,915	9,328	436,928	9,183	1,716	167,692	25.7	1,716	468,954	00	90	00
Subtotal.	-	11,100	610,574	10,977	10,710	656,646	10,977	10,710	656,646	0	0	0
Contract confinement	3	<u>\$</u>	109,097	8	\$	110,969	58	581	110,969	•	0	•
Inelitution administration: Ineltution administration	2,806	2,736	237,588	2,628	2,763	244,796	2,628	2,763	244,798	00	00	0 0
Menagement and admin.	-	17.00.4	382,756	1,0%	2 5 5 2 5 5 2 5 5	107,966	1,099	4.172	107,986	00	00	00
Total	24,980	23,556	23,556 1,783,698	23,380	22,741	22,741 1,909,909	23,390	141,22	22,741 1,909,909	o	0	0
Reimbursable workysars		127		1	127			127,866		•	0	

*Bureau is reduced by 1,800 positions and 1,596 workyears, based on the workyear lapse rate in FY 1992. The distribution of these savings, has been spread proportionally between programs.

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Federal Prison System Salaries and expenses Reimbursable Resources Summary of Requirements (Dollars in thousands)

1	19	1992 Actual			1993 Estimate	imate	16	1994 Estimate	ate	Incir	Increase/Decrease	rease
	Pem.			Perm.			Perm.			Perm.		
Collections by Source:	g	¥	Amount	P98	¥	Amount	Pos	¥	Amount	8	¥	Amount
States	0	0	\$11,219	0	0	\$11,578	0	0	\$11,821	0	0	\$243
Staff Housing Rental	0	0	2,369	0	0	2,445	0	0	2,496	0	0	51
Federal Prison Industries	0	0	1,362	0	0	1,406	0	0	1,436	0	0	8
Meal Tickets	0	0	920	0	0	671	0	0	685	0	0	*
Farm Property	0	0	84	0	0	462	0	0	47.	0	0	6
Subtotal	0	0	16,048	0	0	16,562	0	0	16,909	0	0	34
Obligations by Program; Institution administration:	0	0	16,048	0	0	16,562	0	0	16,909	0	0	34
Goods or Services Provided; Care for Immates from various states. Housing for staff. Utilities for Federal Prison Industries. Meals for staff. Sale of Livestock.												

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<u>Justification of Increases/Decreases:</u> Increased estimates are based on cost of living increases.

Federal Prison System

Salaries and expenses

Justification of Program and Performance

Activity Resource Summery (Dollars in thousands)

Activity:	Activity: Inmete Care	188	Aveile	PILITY	1	704 Base	2	-	20% Estin	ute	Incr	20/388	-
			S	Amount	P08.	S	Post. MY Amount Post. MY Amount Post. MY Amount Post. MY Amount	Pos.	SI	Amount	Pos	덝	Amount
Irmste Care	Irmate Care	3,639	3,375	\$393,164	3,406	3,236	177'7775	3,753	3,306	\$488,744	34.7	8	\$44,303
											;		

<u>long-Range Goal:</u> To provide offenders incarcerated in the Bureau of Prisons (BOP) with a nutritional diet; comprehensive, accessible high quality health care services; clean clothing, footwear, linens, tolletries and stationery; and to properly manage the immate Trust Fund.

Provide three nutritional meals daily including provisions for medical and religious diets.

Educate immates to eat healthier to reduce long-range medical costs.

Continue cost-effective farm operations to supplement food purchased from local sources.

Professionally analyze food service programs for mutritional adequacy.

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, impatient and outpatient treatment, medical rehabilitation services, health education, and to promote dental hygiene and prevention of dental

Heet and/or maintain medical accreditation requirements in all institutions.

Acquire and provide an adequate supply of clothing, footsear, linens, tolletries and stationery items for distribution to the inmate population.

Maintain laundry and clothing issue/return operations and the inmate Trust Fund.

<u>Base Program Description</u>: The BOP continues to provide adequate nutritional meals deliy. These meals are certified for nutritional adequacy by registered disticians and meet the Recommended Dietary Allowances established by the Food and Mutrition Board Commission of Life Sciences, National Research Council. Heal preparation is accomplished primarily by inmate workers (about 10 percent of the population) under the supervision of staff. The United States Peritentiary at Lompoc, California and the Federal Correctional Institution at El Reno, Oklahoma utilize available land resources in the limited production of beef and milk. Each products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

Medical services are provided by a variety of professional and pera-professional health care personnel including physicians, dentists, nurses, pharmacists, and physician assistants. Within 14 days of admission, all newly sentenced inmates receive a complete physicial, mental health, and dental examination. Sick call, which includes examination of patient completints, ordering and assessment of diagnostic tests, and a medical treatment plan is conducted five days a week. Medical emergencies during other than normal worthy hours on on weekends and holidays are handled on an on-call basis. If an inmate has a health condition which is beyond the professional capability of the institution's medical staff, the inmate is referred to a contract physician, a hospital in the community, or one of the Bureau's medical referral centers.

The Medical Center for Federal Prisoners (MCFP) at Springfield, Missouri is the major medical referral center for the Federal Prison System. There are five additional regional medical centers within the BoP hashit care delivery system. The Federal Center (MCF), Rochester, Mintensors accepts referrals of both male and female specialty medical, surgical and psychiatric cases nationaled. The Federal Correctional Institution (FCI), Butner, Morth Carolina provides for male psychiatric cases. FCI, Lexington, Kentucky handles female medical, and psychiatric cases nationaled. Also, selected chronic (disabled, handlesped, periatric) female cases are referred to Lexington on a nationalde basis. FCI, Terminal Island, California accepts referrals of both male and female medical and male psychiatric cases primarily from the Western Region. Finally, FCI, Fort Worth, Texas accepts referrals for male inmates with chronic disease and in need of long term care.

The U.S. Public Health Service continues to provide personnel in support of the 80P medical program. Medical, surgical, and rehabilitative services not available in 80P medical facilities, are provided to inmates through contract arrangements with community hospitals and/or governmental health facilities. Increasing numbers of federal immates are requiring medical care, primarily as a result of the population explosion, general aging of the population and the increased numbers of immates with a history of drug abuse. Specifically, 80P has experienced increased numbers of drug related medical conditions such as AIDS and kidney disease.

On May 1, 1992 the Sensitive Medical Data (SMD) system was implemented to provide comprehensive diagnosis and MIV tracking information on inmates, using the Burseu's existing SEMIRY data system. The SMD system is similar to those used in non-BOP health care facilities and is based on the internstional Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM). This systems provides the full use of all the 11,000 ICD-9-CM codes.

The BOP maintains an inventory of clothing, footwear, tolletries, linens, and writing supplies for issue to all immates during incarceration. Clean clothing and linens are issued weekly in exchange for clothing and linens to be laundered. A laundry operation is maintained to clean all clothing and linens. All services are performed with inmate tabor under staff supervision.

In addition, 80P maintains an inmate Trust fund account for all monies on deposit for each immate. Monthly immate sentings received for work with Federal Prison Industries, performance pay, and money from faulty, friendate outside or the industries or via the mail are deposited directly to each immate's accounts. Immates can withdraw funds when needed to make purchases from the commissary, send money to family members, pay for legal services, or pay for supplies to perficipate in programs such as college courses or leisure activities.

I<u>complishments and Workload</u>: Actual and estimated accomplishments of the Irmste Care Program are presented in the following tables:

				ESCIPACES	
	1881	1992	1993	Chenge 19	
FOOD BID TRITE SELVICES:					
Heals provided (Daily)	187,350	201,192	223,380	24,771 248,	248
Average cost per imate per day	4 .52		85.73		\$
Percent of Recommended Dietary Allowance	1001 X	100t	1001	:	
Number of farms operated	~	~	~	:	
Value of farm products (in thousands)	\$2,000	\$2,650	\$2,900	8 100	.
Tedical Services:			•		•
Total Outpatient Visits (yearly)	, 'c	836,508	928,523	102, 138	1,030,1
Average Number of Outpatient Visits (daily)	~ ~	3,217	3,571	3,571 393 3,5	m
Average Daily Patient Load	,	322	357	36	-,
Average Length of Stay	*	*	ጽ	:	
Hospital Days per Irwate per Year	÷.	9.5	6.5	:	•
Human Immunodeficiency Virus (HIV) Tests	33,000	000'09	20,000	:	80,

The Bureau was able to huld its average cost of food down in 1992 due to food being received from Desert Storm. Since the SMD system was implemented in FY 1992, comparable data for FY 1991 is not available.

				Estimates	
	<u>8</u>	1885	1883	1993 Change 1994	8
Other inmate Services:					
Supply of clothing/footwear (actual pieces of clothing/footwear)	325,369		396,697	69,920	446,617
Supply of linens (actual (inen sets)	966,824		584,002	72,935	656,937
Laundry manhours	137,742		150,264	8,378	158,642
Inmate Trust Fund collections (\$ in thousands)	\$99,298		\$138,399	122,440	\$167,839
Inmate Trust Fund disbursements (\$ in thousands)	\$97,762	\$123, 142	\$136,766 \$22,175 \$158,941	122,175	1158,941

Joint In addition to providing 24-hour or 16-hour medical coverage at all institutions, all major medical facilities have maintained accreditation by the Commission on Accreditation of Healthcare Organizations. Also of note are the steps the Bureau has recently taken to better manage outside contract care. In 1990, a Contracting initiative was instituted whereby all facilities were asked to negotiate contracts with local community providers. In FY 1992, over 75 percent of the facilities established contracts, many of which were negotiated at the Medicare Rate, which is significantly lower than the local percentage of charges, or delify hospital per diems. In January 1992, a Federal Register Notice was published stating that, in the future, the Bureau of Prisons will contract to purchase health services only with those hospitals, physicians, and other health care providers who agree to accept, as payment in full, reimbursement at rates no higher than the prevailing Medicare allowable rates (including deductibles and corpayments). Complementing this effort, the Bureau has recently proposed legislation to require that any hospital contracting with the Bureau must be willing to be reimbursed at the Medicare rate or lose their ability to participate in the overall Medicare program.

In 1992, the Sensitive Medical Data (SMD) - Morbidity and MIV Reporting system was implemented to provide statistics on the types (diagnoses), number of immate health care visits, and to track MIV cases, using the Bureau's existing SEMTRY data system. The SMD system is similar to those used in non-BOP health care facilities and is based on the <u>international Classification of Diseases</u>, 9th Revision, Clinical Modification.

In addition, in 1992 food Services developed a nutritional information system that will educate immates and allow them to eat healthier. Mutritional information cards displayed on the serving line provide immates with the amount of calories, fat, sodium, and cholesterol in an average portion. By educating the immate population to eat healthier, the BOP will reduce long-range medical costs as the immate grows older.

<u>Progrem Changes</u>: The request includes \$17,184,000 to provide for a projected increase in the average daily population of 8,257; from 74,460 in 1993 to 82,717 in 1994. Within this amount 87,973,000 is for food and farm services, \$7,311,000 is for medical services and supplies and \$1,900,000 is for clothing, footwear, bedding, toiletries, etc.

In addition, 412 positions, 135 workyears and \$31,774,000 are included to provide resources to activate new facilities in 1994 as follows:

뭐되

	Estimated Activation	Food er	od Farm	Service	Medic	al Ser	ices	Other	Irmate	ervic
Facilities:	Date	P08.	덞	Pos. W Amount	180	S. W Amount	Amount	Pos.	Pos. WY Amou	Amou.
Activation of New Facilities:										
ft. Dix, NJ (LOW) (Acquired Facility) (1,600 beds)	10/93	:	:	\$3,217	:	:	\$5,928	:	:	£
Kiemi, FL MDC (1,233 beds)	12/93	9	2	2,063	2	5	2,663	~	-	ፚ
Florence, CO FCC High (640 beds)	1/94	4	۰	1,470	58	=	2,172	~	-	2
Allenwood, PA FCC High (640 beds)	1/94	9	0	1,573	*	₽	2,311	~	_	24
Allenwood, PA FCC Witsec Unit*(54 beds)	76/6	4	:	72	~	:	=	:	:	:
florence, CO FCC Admin. Max*(484 beds)	76/6	2	-	z	2	~	28	~	:	•
Cumberland, MD FCI*(768 beds medium/256 beds minimum)	76/6	2	_	29	23	-	5	~	:	•
Pekin, ILL FCI*(768 beds medium/256 beds minimum)	76/6	2	_	8	≈	-	<u>\$</u>	~	:	•
Greenville, ILL FCI*(768 beds medium/256 beds minimum)	76/6	쒸	-1	62	~	7	2	<u>.</u> ا	1	٦
Subtotal, new Activations (4,113 beds)		116	35	8,599	167	\$	13,493	±	m	, 93 25

20000: 2283

	Estimated									
Escilities:	Activation			Food and Farm Service Pos. VI Amount	100	Hedical Services	Amount	100	3 3	Other Inmote Services Pos. Mr. Amount
Activation of Expansions: Atlanta, GA Detention Unit (422 beds). Fr. Worth, TX Long Term Care Unit (85 beds). Big Spring, TX Special Unit*(48 beds). El Reno, OK Special Unit*(240 beds). Subtotal, Expansions (507 beds).	6/93 1/94 9/94 9/94	4 0 0 MS	m. : 10	\$787 313 511,7	~ たっぱ	~ ÷ ÷	5,717 5,717 5,819 6,49	- : : - ~	-::=	훏= :네?
Total, Activations (4,620 beds)		35	\$	9,714	88	5	19,984	2	4	2,0%

*Beds have not been included in the 1994 totals since these facilities will not accept immates until 1995.

12 The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and made subject to change over the course of the project if impacted by uncontrollable events. To avoid delays in acceptance of immates, it is necessary staff facilities three months prior to activation, and equipment which requires long lead time is ordered six months prior to activation.

the changes to reflect target resource and workyear levels of the Administration are reflected in the Multi-Activity Program Changes Exhibit.

	8	Aveile	ATTIA	٦	74 Besel	Tre-		994 Est	Mie	230	20/5181	16986
	Pos	턻	Amount		덝	AMOUNT		넒	POST. MY AMOUNT POST. MY AMOUNT POST., MY AMOUNT POST., MY AMOUNT	i si	널	Amount
e Programs	\$,065	4,567	\$288,097	4,744	4,438	\$305,139	\$,252	4,566	\$326,971	508	128	\$21,632
bones fool; to seeblish a sets, became and commons this missimizes to the auteus constills, the destinates of confinements and to conside	. Printer	40000	2,010 4014	*	44.4	eldlesses to	the At	-	,000,00	and from		d to promide

Long Range Goal: To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of courseling programs which are most likely to aid immates in a successful adjustment to the institution and, upon release, a successful return to the community;

Provide general and occupational education opportunities to all immates desiring or required to participate; provide Federal offenders with a full range of recreation and leisure activities to improve their physical and mental health and promote the development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of their incarceration; and to enhance post-release employment and positive life

Provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement and;

Provide immediate and long-term paychological care for Federal immates with mental health problems and assist in the decision making of the courts, prison administrators and parole officials.

or objectives:

Subdivide the inmate population into small well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

increase the frequency of contacts and improve relations between staff and immates.

Ensure that decisions regarding inmates are made by staff most closely associated with those immates, increasing the quality and swiftness of decisions.

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Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates who have the need and motivation to participate.

Provide education programs designed to meet inmate needs for functional literacy, high school equivalency, English language proficiency, adult continuing education, career assessment and counseling, and personal growth and to enhance their employability upon release.

Maintain education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies. Provide a variety of indoor and outdoor physical, cultural, and related leisure activities with opportunities to enhance personal wellness and belong

Make available the appropriate worship services of the various religious disciplines represented within the irmate population and provide a variety of non-worship religious program options.

Provide psychological screening for every immate admitted to the BOP.

Provide pastoral care for individual immates and staff.

Provide personal spiritual growth seminars and courses.

Provide psychological care to irmates admitted to inpatient mental health program.

Provide psychotherapy and crisis intervention counseling.

Provide psychological evaluations requested by the courts, parole officials, and prison administrators.

Provide training to staff for religious and cultural diversity issues.

Provide family services to staff during crisis incidents at institutions.

Provide staff training in mental health areas.

Provide employee assistance programs.

<u>Base Program Description</u>: The purpose of Immate Programs is to improve immate control and establish healthy relationships between staff and immates by dividing the large institution population into smaller, more manageable groups. A team of multi-disciplinary staff who have administrative and supervisory authority in most institutional aspects of programming and lithing are permanently assigned and located in the unit to work with the immates. This pleases services closer to the users and permits decision-making by those who are most knowledgebe of the immates and staff enhances communication and understanding of immate needs to a level not possible in a centralized correctional environment. The programs on the basis of need and end and end and end of immates and development of immate programs on the basis of need and

immate programs include general and occupational education programs, leisure time activities, religious, and paychology services.

General education programs are designed to meet specific immate needs for functional literacy, high school equivalency, continuing education, and personal growth. There are seven major components of the general education program: Literacy, Adult Continuing Education, English as a Second Language, Post-secondary Education, Guidance and Counseling, Occupational Education, and Life Skills.

The Literacy Program is designed for the nearly 45 percent of Federal offenders who lack a high school diplome and consists of basic literacy and high school equivalency courses, and general equivalency examinations. The GED literacy standard was implemented Bureau-wide on May 1, 1991. Adult Continuing Education courses are designed for inmates who have a desire to "brush up" in a special area or enroll in a special interest program, e.g., speed reading,

prisoners to participate in an English as a Second Language (ESL) programs until they function at the equivalent of the eighth grade level. Post-secondary Education courses are for inmates who have successfully completed high school and want to further their education, e.g., draffing, computer applications, after processing, and denial technology. The Guidance and Courseling program assists inmates to focus on realistic planning and goal setting for work and related acciding their incarceration and after release. The Life Skills component helps immates develop a positive self-image and positive interaction skills, including perenting.

Occupational education programs serve to enhance skills during incarceration and increase the employability of offenders upon release, particularly those who either lack sold employment history or a saleable skill. The majority of Pederal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial technical world of work.

A wide variety of Leisure time activities are offered at each Federal prison including indoor and outdoor individual athletic and sports activities, and crafts, music and drama activities, movies and frequently, guest performances. Information and structured classes are provided on nutrition, physical and mental health, and overall personal wellness.

Chaptaincy personnel conduct the religious services of their particular faith group and arrange for the delivery of religious services of other faith groups. Approximately 280 contracts are issued annually for the delivery of services of the smaller faith groups and other religious services. Chaptains also recruit, it sain, supervise, and sustain approximately 4,000 voluneers from the committy who requiratly visit the institution to participate in the religious programmed and satisfies within the prisoner religious religious acraips services were conducted in 1992 representing the various religious disciplines within the prisoner population. In addition to worship services, chaptaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment as they administer programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every immate admitted to a 80° facility be given an initial psychological estimate admitted to reviews, and behavioral observation. The purposes of exceeding after to observation that purposes of the accreaining are to identify special treatment and/or referral needs; provide information useful in future crisis-courseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the immates and provide information

Both individual and group psychotherwoy is available to immates who express a desire and demonstrate the need for it. Training and orientation programs are also offered for developing will be competency skills" including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis conseling has been acknowledged by mental health professionals as a powerful, viable skill. Be psychologists have expertise in this area and have provided training and consultation to staff in all institutions. BOP psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

(scomplishments and Workload: Actual and ustimated accomplishments of this program are presented in the following table:

				18 C M9 C 6 B	
	<u></u>	<u>8</u>	8	Chenge	<u>\$</u>
Education:					
Enrollments:		;	;	;	;
Adult continuing education	29,335	30,593	30,500	8	5,00 00,1
General education development	10,828	99, <u>*</u>	16,000 00,000	8 8 7	3 ,000
Post-secondary education	26,73	21,150	22,000	8	22,500
Occupational aducation	8,470	9,440	, 80,	8	7,500
English as a second language	7,586	2.7	4,500	8	°,000
Completions:					;
Adult continuing education	20,844	22,600	28,000 28	28	28,500
General education development	4,843	2,450	5,73 05,73	ž	6,500
Post-secondary education	16,673	18,490	19,000	:	9,000
Occupational education	9,765	8,130	8 00,	:	8
English as a second language	5,465	5,480	2,500	:	2,500

	<u>8</u>	1882	<u>8</u>	Chenge	78	
Keti glouds, Services: Worlship Non-worship programs (represent monthly totals)	17,680 22,743	19,010	21,421 25,011	2,591	24,012	
Uleans assessing and and and and and and and and and and	£	ķ	95	¥	Š	
Court evaluations	3.285	3.310	3,400	§	3,500	
Routine evaluations	\$,510	65,112	8,000	000,	67,000	
Group therapy sessions	18,170	18,215	19,000	000,	20,000	
Crisis intervention sessions	49,565	50, 112	\$2,000	000	\$2,800	
Suicide prevention evaluations	2,120	2,150	2,200	5	2,300	
Drug Abuse/Education course fina hours.	•	157,229	161,945	3,400	165,345	
Residential Drug Abuse Group counseling hours	<u>م</u> ر	105,229	108,385	2,276	110,661	
Non-residential Drug Abuse Group counseling hours	<u>۰</u>	8,043	8,445	177	8,622	
Personnel Interviews	7.700	4,731	006.7	300	2,200	
Employee assistance contacts	009,	2,830	3,500	200	000,	
Staff training sessions.	8,270	8,310	8,500	5	8,600	
Unit team meetings	18,580	18,712	19,000	200	19,500	
Init Management:	;	;	•			
Average daily population	1,0,19	100,70	200	8,657	7,70	
Number of Units	320	007	097	0,	8	
Study & Observation Reports	ĸ	260	ş	S	650	
Institution Transfers	23,512	40,353	80,00 00,00	10,000	20,000	
CCC Transfers	10,500	11,000	12,500	1,500	14,000	
Releases	14,466	21,446	28,500	6,500	35,000	

*/Includes Life Skills and Guidance and Courseling components.
**Zinctive Worship Services: General Christian (English/Spanish); Catholic Mass (English/Spanish); Juhma, Sweat Lodge, and Moorlah Science.
**Yerkloy, plus seasonal special services.
**Yerkloyd figures not available.

The Bureau of Prisons has virtually met its goal of establishing functional unit management in most of its facilities. However, because of the rapid growth in population, it has become necessary in some instances to return to a centralized management system or to administratively combine two units into one larger one under the supervision of one unit manager.

In response to the rapid growth in the Federal immate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of five components: drug abuse education, non-residential drug abuse counseling services, intensive non-residential drug abuse treatment, residential drug abuse program, and community-transitional services programming.

Participation in the Bureau's Drug Abuse Education Program is required for all immates who have a judicial recommendation for treatment and/or a history of drug use. The Drug Abuse Education and materials toward living a drug use. The Drug Abuse Education and materials toward living a drug-free lifestyle, while orientating and motivating the immate to volunteer for participation in the Bureau's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consists of both group and individual therapy delivered through the psychological services department in each institution. These services offer fetability round services delivery to those who once meet the eligibility requirements for the Bureau's residential drug abuse treatment propram. Non-residential treatment services are also provided for those timets who have completed the residential treatment phase who remain in the institution, and who require aftercare treatment while avaiting release to the community.

Intensive non-residential treatment programming was approved for testing at the Federal Correctional Institution located in fort Worth, Taxas. This intensive non-residential treatment component offers the same treatment regimen as given in the Bureau's residential units, but does not offer unit-based living. The purpose of this program effort is to determine how drug treatment resources are best utilized over time, serving as an alternative to residential programming.

The Residential drug abuse program, is designed for inmates who volunteer for extended drug abuse treatment. Mine-month residential programs are available in 27 institutions, and three institutions offer theive-month programming. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling. The twelve month program also serves as a control group for the National Institute on Drug Abuse outcome evaluation that is now undersay.

Community transition programs were originally developed for immates who complete the residential drug abuse treatment program and are released to the community under Bureau custody. This confinuum of treatment is the most scritical paried for the immates adjustment as objects to scrept innates who have been identified as requiring community transition program has been extended to accept innates who have been identified as requiring community treatment, as part of their community program plan while still in Bureau custody, (i.e., intensive Confinement Center immates, immates participating in the Electronic Monitoring program).

. One hundred positions administrative oversight To support the drug treatment initiative, the Bureau allocated 44 positions to bring seven comprehensive units on line in 1991, were approved for 1992 to staff the new intensive non-residential program and the expansion of residential units, and to provide ad in the field for a total of 30 residential units in FY 1992.

continues to have education and non-residential counseling available in all its institutions, residential and intensiva non-residential available institutions with over 3,000 treatment slots accessible, and by the end of 1993, Community drug transition will service nearly 300 immates.

9 Honth Residential	sidential	12 Nonth Residential	Intensive Non-Residential
FCI Fairton, NJ	FCI Norgantown, WV	FCI Tallahassee, FL	FCI Fort Worth, TX
FCI Oxford, WI	USP Terre Haute, IN	fc! Butner, NC	
FCI Rochester, MN	FCI Talladega, AL	FMC Lexington, KY	
FCI Sheriden	FPC Yankton, SD		
FCI Seagoville, TX	FCI Three Rivers, TX		
FCI DUBITA, CA	FCI LaTuna, TX		
FCI Mariama, FL	FPC Bryan, TX		
FCI Dambury, CT	fCl Bastrop, TX		
FCI El Reno, OK	fCi Lompoc, CA		
FCI Phoenix, AR	USP Lompoc, CA		
USP Leavenmorth, KS	fCl Terminal Island, CA		
FCI Englewood, CO	FPC Allenwood, PA		
FPC Alderson, W	fCI McKean, PA		
USP Atlanta, GA			

a mandatory (Itemes specifically exempt (e.g., detained aliens), who do not have a varified high school diplome or GED, are required to enroll in attainment of the strong regard and depend upon the prior attainment of a high school diplome or GED. Approximately 8,000 General Education Development tests are administered annually. Non-English proficient immates are also required to enroll in an English-as-a-Second-Language (ESL) program until they achieve eighth grade proficiency. In 1992, 4,170 immates are also required an ESL program. Post Second-Language (ESL) program until they achieve eighth grade proficiency. In 1992, 4,170 immates enrolled in, and 2,480 completed an ESL program. Post Second-Language (ESL) program continue to have one of the highest retention rates of all aducation occupationally oriented AA degrees arrually, most of them

Education services are now accredited by the regional commissions of colleges and schools at the Federal Correctional Institutions (FCI's) Alderson, West Virginia; Darbury, Cornecticut; Milan, Michigan; Morgantown, West Virginia; Sandstone, Mirmesota; Taminal Island, Galifornia; Osfustile, New York; Englewood, Colorado; and Roy Brook, New York; the Federal Prison Camp Boron, California; United States Peritentiaries (USP's) Lewisburg, Pernsylvania; Lompoc, California; Terre Maute, Indiana; and Leavenworth, Kansas; and the Medical Center for Federal Prisoners at Springfield, Missouri.

Apprenticably programs have been expanded to over 310 training units in approximately 134 different trade classifications in 36 institutions. Approximately 805 immates enroll in apprenticable programs annually. Computer assisted instruction (CAI) is available in most institutions. Effigy-three institutions are an integrated CAI system to supplement literacy, high school, and related classroom instruction. This system can provide up to 2,000 hours of individualized instruction.

The BOP continues to provide 100 percent of the psychological acreening for every new admission, the paychological evaluations requested by the courts, and the crisis intervention counseling. The Bureau Psychologists continue to conduct training in Nostage Negotiation, Victimis Assistance, effects of victimistation, critical incident de-briefings, and Suicide Prevention. Psychologists also offer an extensive Employee Assistance Program (EAP) to all Bureau staff. A Nork Group on Organizational Stress was established to examine the special concerns of Bureau employees. In addition, new pilot training program are being developed to promote "Psychological Melloess." The number of employee contacts for assistance continues to exceed contacts in similar agencies. The EAP helps to promote a "caring" philosophy among Bureau staff.

<u>Program Changes:</u> Population Increase. For 1994, 80P projects an average daily population of 82,717 an increase of 8,237 over the 1993 setimate of 74,460. Included in the request level is \$1,952,000 to provide supplies and contract services for the increased population as follows: Unit Management \$1,715,000; Education \$1,235,000; Leisure Activities \$631,000; Religious Programs \$228,000; and Psychology Services \$143,000.

Activation of New Facilities. In addition, 523 positions, 143 workyears and \$19,343,000 are requested to permit the activation of new facilities scheduled in 1004 as follows:

in 1994 as follows:										
	Estimated Activation	S	4	Unit Management		Februarion	8		-	•
Facilities:	Oate	2	되	Amount	Pos.	2	Amount	50	SI	Amount
Activation of New Facilities: Ft. Dix. NJ (Low) (Acquired Facility) (1.600 beds)	10/93	:	:	77073	:	;	91 040	:	;	¥0.5
Mismi, FL MDC (1,233 beds)	_	37	2	1,232	2	٥	ž	^	•	328
Florence, CO FCC High (640 beds)	76/1	37	2	98,	2	•	670	~	4	8
Allenwood, PA FCC High (640 beds)		37	2	908'2	2	•	550	~	•	9 72
Allenwood, PA FCC Witsec Unit*(54 beds)		•	-	33	~	:	12	-	:	•
Florence, CO FCC Admin. Max*(484 beds)		37	~	127	2	-	53	~	:	*
Cumberland, MD FCI*(768 beds medium/256 beds minimum)		2	~	123	2	-	25	^	:	*
Pekin, ILL FCI*(768 beds medium/256 beds minimum)		34	~	123	7	_	25	^	:	*
Green) lie, ill FCI* (768 beds medium/256 beds minimum)		37	~	123	2	-	25	~		*
Subtotal, New Activations (4,113 beds)		\$8	~	10,612	\\$	2	3,394	ß	2	1,669
Activation of Expansions:										
Atlanta, GA Detention Unit (422 beds)		2	~	ž	•	m	ž	m	~	&
ft. Worth, TX Long Term Care Unit (85 beds)		m	~	2	:	:	Ξ	-	-	32
Big Spring, TX Special Unit*(48 beds)	76/6	*	:	2	~	:	2	-	:	•
El Reno, OK Special Unit*(240 beds)		2	-	27	~	:	•	~	:	9
Subtotal, Expansions (507 beds)		24	P	£	 	r	12	1	r	1 2
Total Activations (4. 620 bads)		Š	=	107		:	1 717	5	=	8
		2,4	ō	<u> </u>	3	ž	こう	ž	2	<u> </u>

		Rel	\$70)6		Paychology	À	
Encilities:	100	3	. FIE Amount R	2	S	Amount	
Activation of New Facilities: Fr. Dix, NJ (Low) Acquired Facility) (1,600 beds). Hismi, F. HDC (1,233 beds). Florence, CO FCC High (640 beds). Alterwood, PA FCC High (640 beds). Alterwood, PA FCC High (640 beds). Cumberlend, ND FCI (768 beds medium/256 beds miniman). Petin, ILL FCI*(768 beds medium/256 beds miniman). Subtotal, New Activations (4,113 beds).	10/93 17/94	· · · · · · · · · · · · · · · · · · ·	\$258 268 245 245 27 7 7 18 18 16 17,102	:444-4441%	:**** ! **	25.5 26.5 26.5 26.5 26.5 26.5 26.5 26.5	
Activation of Expansions: Atlante, GA Detention Unit (422 bads)	6/93 1/94 9/94 1	: ‡~	82 : J&	- :- 7	-::=	5- :° 0	
Total, Activations (4,620 beds)	33	•	1,231	33	~	1,348	

"Beds have not been included in the 1994 totals since these facilities will not accept inmates until 1995.

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. To avoid delays in acceptance of immates, it is necessary to staff facilities three months prior to activation, and equipment which requires long lead time is ordered six months prior to activation.

The changes to reflect targeted resource and workyear levels of the Administration are included in the Multi-Activity Program Changes Exhibit.

Activity: Inst. Security & Maintenance	1993 A	1993 Availabilite	AIII	F	1994 Beseline	2		1994 Estimete	ate.	E E	esse/Des	CORP
	188	넓	Pos. Mr Amount Pos.	102	넒	MY AMOUNT POST. 1	100	봌	MY Amount Post. 1	휦	넒	Amount
Institution Security & Maintenance	11,731	ş	\$610,574	10,977	10,710	11,731 11,109 \$610,574 10,977 10,710 \$656,646 12,120 10,864 \$690,991 1,143 154 \$34,345	12,120	10,864	\$690,991	1,143	154	\$34,345

LONG RADRE GOAL: Provide institution security, inwate control, and inwate supervision to assure maximum protection for the community, staff, and inmates consistent with program requirements in all 80P facilities. Continue preventive maintenance program, provide continuous service of all utilities in the most energy efficient manner, and provide transportation services in support of institutional operations.

lor colective

Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.

Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshals Service.

Maintain and operate telecommunication and transportation services.

Meintain the interior of all buildings such as plumbing, electronics, mesonry, mechanics, carpentry and painting.

Maintain the exterior of all buildings including landscaping, gardening, fence repair and painting.

Implement motor vehicle management program

Purchase utilities or maintain and operate utility systems and central power plants.

Base Program Description: All institutions are assigned a security classification based in part on the physical design of each facility. In 1991, the Bureau reduced the six level security classification system to four security levels. The current security levels are minimum, low, medium and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. A separate classification system for females is being developed based on extensive research which indicates that female offenders generally do not require the same degree of security as male offenders.

Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment appropriate to their custody and security level needs. Each immate is tracked through our SEMIRY information System. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of predatory and non-predatory offenders. Within each institution, correctional officers are assigned to security posts which are primarity established on the basis of structural/visual considerations. The two basic categories of security are perimater security, perimater security consists of a walled or fenced perimater, supplemented by manned security towers, razor wire strung between a double fence, high mast lighting to illuminate the perimater monorized perimater patrols and highly technical equipment such as alam systems, and video surveillance. Entrances through the perimater are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For all practical upon pass, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release. Supervision of immates is provided in living units, visiting areas, dining halls, recreation areas, and any other area where immates may be located or have access to.

Regularly scheduled counts are conducted several times a day in all institutions in order to monitor the wheresbouts of immates. Mork supervisors and program personnel are held strictly accountable for all immates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Discipline Hearing Officer for appropriate action. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of offenders from the general population who require special protection and for those who pose a serious seape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offerders who have committed serious prohibited acts within the institutional setting. Inmates are held in segregation only after a due process hearing where the immate is given the opportunity to rebut the charges.

The maintenance program covers the requirements for adequately maintaining and operating the physical plants of the Bureau. Facilities vary in age from 100 years to buildings recently constructed. Over fifty parcent of the facilities are more than 30 years old, which is the appected life of buildings without major ugrading and removation. Bureau facilities are situated on approximately 25,000 acres and contain approximately 2 million square feet of floor ares, all of which must be maintained and furnished utility services. Complex heating and air conditioning systems, high pressure steam power plants, sophisticated hospital equipment, emergency electrical power systems and fire protection and life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic beanch exchange telephone systems including base station and mobile units and aeveral electronic detection and control systems. Additionally, this program provides for the maintenance program; formal seriented and mobile units and aeveral electronic detection and control systems conducted in the on-going preventive maintenance program; formal estimated to cost & 600 to lass. Maintenance requirements in excess of \$4,000 are included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreasm and five to fifteen immates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitters, air conditioning mechanics and electronics repair. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dengerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

ACCOMPLISHMENTS and Workload: Actual and estimated accomplishments of these programs are presented in the following table:

	186	1992	8	Change	<u> </u>
Institution Security: Staff to Inmate ratio: Norning watch (midnish) to 8:00 AM).	73:	13:1	3.	:	75.
Day watch (8:00 AM to 4:00 PM)	1:21	2:2	2:1	:	12.5
Evening watch (4:00 PM to midnight).	&: <u>*</u>	\$ <u>.</u>	<u>.</u> ~	:-	<u>.</u>
Escapes from other (i.e., camps, CCC's, furloughs, transfers)	8 2	553	85	3	\$ 5
Suicides	Š eo			} :	2
Hoselcides	~	•	~	:	•
Institution Neintenance: Najor meintenance projects completed (\$1,000-54,000).	1,496	1,055	1,108	32	1,174
Minor maintenance projects completed (less than \$1,000)	236,842	24,829	280,000 305,760	15,000 15,288	35,000 35,000
Power Plants operated.	31	8	24	-	\$
Electricity (KMM) (in Millions)	432.8	445.7	478.0	19.4	4.764
Metural Gas (cu. ft.) (in Millions)	2,386.1	2,437.3	2,635.4	9 9	2,742.3
Coal (Tors)	10,204	10,509	22,27	457	12,72
Propere (gal.)	6,582.1	6,788.5	6,788.5 7,269.8	\$. \$.	7,564.5
Vehicle miles driven (in Millians)	12.8	13.7	15.0	1.7	16.7

Office definition of assault was changed in 1992, so even minor incidents, i.e., spitting on staff, are now included in the figure. Averkload figures were not available in 1991.

BOD establishes institution staffing guidelines through on going full-field reviews which consider the institution's security level, posts such as front enteres, control roam, housing units, segregation/detention, visiting rooms, perimeter security activities areas, etc., and rated capacity and overcroading level. The security staff coverage rate is the percent of institution posts that can be covered with available staff (workyears). Covering all posts improves security and is a factor in reducing the incidents of negative inmate behavior.

It should be explasized that the institution Security Program is on a twenty-four hours per day/seven days per week basis. Staff, as messured in workyears, must be distributed between three work shifts as referred to in the workload table on the previous page as morning, day, and evening watch. Thus, a presentation of an overall security staff or inmate ratio (by ascinity staff to immate ratio of 119 in 1992 (8,224,77,500) would be misleading. As indicated in the above table, a Pof facility on the average could expect a security staff to immate ratio of 1166 on the morning watch, 123 on the day watch and 1129 on the evening watch. In reality, even these ratios are misleading because the staff on day are assigned to different posts, e.g., control room, housing units, perimeter security, etc. An officer assigned a housing unit post can expect a 1150/200 staff to immate ratio.

The U.S. Penitentiary at Marion, Illinois continues to house the 350 most dangerous offenders in the Bureau of Prisons. Approximately 25 percent of the Marion population is now housed in units whose operation approximates those of other Federal penitentiaries. Assault rates have decreased at Marion in addition, we believe that Marion serves as a disincentive to assaultive behavior by inmates in other institutions. Because the number of dangerous offenders continues to grow, the Bureau will be activating a new 484-bed Administrative/Maximum security facility at the Florence, Colorado complex during fiscal year 1995.

As of March 4, 1993, the Bureau of Prisons continues to incarcerate approximately 1,090 Mariel Cuban detainees for the Immigration and Maturalization Service as well as another 408 who are serving Federal sentences. These Mariel Cubans face indefinite incarceration and are an extremely volatile and disruptive force in Federal prisons. The Mariel Cubans were responsible for the 1987 riots at the U.S. Penitentiary, Atlants, Georgia, and the Federal Detention Center, Louisiana, Wich resulted in massive destruction of Federal property. They were also responsible for a 10-day disturbance in August 1991 at FCI Talladega, Alabama. The detention of Mariel Cuban detainees continues to present a long-term problem to both the Bureau of Prisons and the Immigration and Maturalization Service.

In coordination with the United States Marshals Service, the Bureau of Prisons maintains a Prisoner Transportation System including the transportation of Witness Security immates. During 1992, the Prisoner Transportation System handled 156,814 moves, an increase of 8,809 over 1991. In addition, approximately 270 Witness Security cases were relocated without incident.

<u>Program Changes:</u> Population Increase. The request includes \$1,634,000 to provide for security needs, and \$10,398,000 for utilities, trash removal, and maintenance supplies associated with a projected Federal inmate population increase of 8,257 from 74,460 in 1993 to 82,717 in 1994.

Activation of New Facilities. In addition, the request includes 1,387 positions, 398 workyears, and \$38,301,000 to provide resources to activate new facilities in 1994 as follows:

Facilities:	Estimated Activation Date	Instit Pos.	KE (80 S	nstitution Security	Post	Institution Naintenance 1984 MY Amoun	Amount
Activation of New Facilities: Ft. Dix. Na 1(to) (Acquired Facility (1,600 beds). Mismi, Ft. MOC (1,233 beds). Hismi, Ft. MOC (1,233 beds). Allenwood, PA FCC High (640 beds). Allenwood, PA FCC High (640 beds). Allenwood, PA FCC High (640 beds). Allenwood, PA FCC High (640 beds). Forence, CO FCC Admin. Nax*(464 beds miniman). Pakin, ILL FCI*(768 beds mediun/256 beds miniman). Greenville, ILL FCI*(768 beds mediun/256 beds miniman). Subtotal, New Activations (4,113 beds).	10/93 12/93 1796 9/94 9/94 9/94 9/94		:5xx-e====	55,270 5,680 5,785 5,785 5,785 44,44,44,44,44,44	:888288888	:522 :uuude	83,061 2,947 2,519 2,775 1120 116 116 116 10,082
Activation of Expansions: Atlanta, GA Detention Unit (422 beds). Ft. Morth, TX Long Term Care Unit (85 beds). Big Spring, TX Special Unit*(46 beds). El Reno, CX Special Unit*(240 beds). Subtotal, Expansions (507 beds). Total, Activations (4,620 beds).	6/93 1/94 9/94 9/94	33±818 2	3 4 5 7 6 8	\$1,283 537 15 19 67 1,962 1,962	23 - 2 1 2 - 5	°:::1°	\$2 : \$2 FE, E

*Beds have not been included in the 1994 totals since these facilities will not accept inmates until 1995.

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project if impacted by uncontrollable events. To avoid delays in acceptance of immates, it is necessary to staff facilities three months prior to activation, and equipment which requires long lead time is ordered six months prior to activation.

the changes to reflect targeted resource and workyear levels of the Administration are included in the Multi-Activity Program changes Exhibit.

lvity: Contract Confinement	1993	Aveile	VILLEY	Š	1994 Basel in	e E	-	994 EST	m te	1967	20/2562	16886
	Perm.	5		Perm.		1	Pera.			Pera.	3	,
•	165			1						į		
Tract Confinement	198	198	198 198 \$109,097 185	185	185	\$110,989 185	185	5 165 \$115,	\$115,967	:	:	\$4,978

Long Renge Goal: To provide, through contract, high quality, and diversified state, local, and private facilities to house all offerders requiring confinement outside the Bureau of Prisons (including Community Corrections Community Instantant Centers). Develop innovative Community Corrections programs to assist the Bureau with institution overcroading, offender reintegration into the community, and to provide alternative sentencing options for the court.

Major Objectives: Provide community residential resources to all 80P releasees deemed eligible and appropriate for release to a Community Corrections Center (CCC) for an appropriate length of stay.

Provide placement and special monitoring of Intensive Confinement Center ("Boot Camp") inmates being relessed to the community.

Provide residential program bed space requested by the Federal courts, the U.S. Probation Service, and the U.S. Parole Commission. Offenders sentenced to one year or less, where appropriate, may be placed in a CCC with Judicial concurrence.

Provide thorough and frequent monitoring of contract facilities while providing training for all contractors every 18 months.

locate and provide suitable contract facilities to meet the growing needs of the offender population.

Provide accurate and timely information to the Central Irmate Monitoring and Witness Protection tracking system.

Keep the federal law enforcement agencies aware of changes in BOP policy, sentencing atternatives and other areas of concern.

Maintain close relationships with State and local correctional agencies to exchange information and manage resources.

Provide individual case management services and perform administrative systems functions for inmates confined in contract facilities.

Continue to place all offenders under the age of 18, committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Sentencing Reform Act of 1994 in appropriate non-rederal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

Place appropriate short term (3 years or less) immates in contract detention centers to reduce institution overcroading.

House those offenders who are in danger in Federal institutions, in state correctional institutions, or other facilities

House appropriate offenders with sentences of up to 180 days or less in local detention facilities.

community resources in the reintegration of offenders into the community through expansion of current institution volunteer programs as well as into new non-traditional services.

<u>Base Program Description</u>: Certain categories of Federal offenders are designated for confinement in state, local and private facilities. These includes Persons committed under the Federal Juvenile Statitus, who mast be separated from abilt offenders and placed in community-based facilities reas their residence wherever possible; and abilt offenders, whose lives might be endangered in Federal facilities (protection cases); and offenders with short sentences (generally three years or less) who are placed in local detention facilities (jails) for service of sentence.

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In addition, 80P contracts with State, local, and private community corrections centers for community residential bed space for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community. Since January 1982, 80P has increased the number of immates confined in contract CCC's from 1,425 to over 4,000 on March 4, 1993.

Contract confinement is provided for those offenders who the Federal courts determine need more than probation and less than full institution confinement and services; who are under probation or parole supervision but need more intensive services and/or programs than can be provided under the "community" supervision of the U.S. Probation Officer; and who are committed directly from court generally serving short sentences.

CCCs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, employment and placement assistance.

All of the Community Corrections Centers contain two program components, a Pre-Release Component for those offenders entering the community after servi a portion of their sentence in an institution and a Community Corrections Component, which is more punitive and restrictive for all other types offenders.

Community Corrections Managers (CCMs) develop contract resources and negotiate and monitor contracts for the boarding of federal offenders in State and local institutions and in private residential community corrections centers. CCMs also make recommendations for designation of newly sentenced offenders and are responsible for the placement of direct comminents to non-federal facilities. They provide case management services to all federal inmates placed in non-federal institutions, and serve as the BOP liaison with members in non-federal institutions, and serve as the BOP liaison with members of the U.S. Probation Service, U.S. Parole Comission, Federal courts, other federal agencies, State and local government agencies and local community agencies. There are presently 33 CCMs located in 32 major cities throughout the United States.

Accomplishments and Workload: Actual and estimated accomplishments for this program are presented in the following table:

	180	1992	183	Change	1994
Number of contracts with juvenite facilities. Number of contracts with adult facilities. Number of contracts with jells. Number of contracts with jells.	350 55 26 55 55	32 22 58 32 52 58	40 337 268	- ;~~	7% % K
Average deily population: Contract Detention: Juveniles.	123	133	149	2	31
Long-Term Boarders (Adult Offenders)	1,472	2,403	2,500	000,	3,500
Jail/Detention Centers (Short Termers)	1,312	1, 198	1,435	8	1,515
Community Corrections Centers	3,890	4.234	4.718	3	5.59
Total, Average daily population	6,73 3	896, 2	805	1,973	£,0

Since 1977, with only minor and unavoidable exceptions, the BOP has been able to place all offenders under 18 years of age in non-federal juvenile facilities. During 1992, BOP contracted for the confinement of an average daily population of 133 juveniles. Roughly 24 percent of juveniles are placed in community-based facilities and 30 percent are confined in their state of residence which enhances the opportunity to use available community resources and increases opportunities for visits and support from relatives and friends.

In addition, BOP currently uses adult state, local, and county correctional institutions to house an average daily population of over 2,400 adult (Long-Term Boarders) federal prisoners who need protection, have special needs, or are deportable aliens serving relatively short sentences. The BOP also

contracts with Jails/Detention Centers to house short termers and CCC failures. With an average daily population of approximately 1,200 this allows an immate to remain close to family and at the same time saves the government transportation expenses to and from a Federal institution.

Inmate contributions to the cost of residence in a Community Corrections Center, known as subsistence collections, have increased significantly over the past several years. The smount collected for 1992 was \$6.4 million, a substantial increase from 1991, when collections amounted to ebout \$7 million. The 1987 subsistence figure amounted to less than \$1 million, which indicates an improvement of over 700 percent over the last five years. In 1989, the Bureau's philosophy of encouraging inmate financial responsibility was extended to Community Corrections and much greater emphasis was placed on subsistence collections. Inmates in CCC's are now required to pay the contractor \$2 percent of their gross income, not to exceed the contract per diamerate. The contractors reduce their bills to the Bureau by the amount collected from immates.

The BOP is involved in three forms of home confinement (HC). The first is a joint effort with the U.S. Parole Commission, and the U.S. Probation Service in over half of the 94, Judicial Districts. These programs utilize electronic monitoring devices as supervision tools. On a much abalier scale, the BOP has confined with local governments to piece offenders on electronic monitoring systems. Ordinarily these are pre-release offenders being released to a geographic area where there are no Community Corrections Center resources available. The third form of home confinement is the monitoring of the immate by our mathors of Community Corrections Centers, and unlike the previous groups, these offenders are not monitored with electronic devices. These offenders are indicated to report to the center on a scheduled basis.

The total Name Confinement count as of December 1992 was 431, with 297 being on non-electronic Name Confinement through CCCs. Of the remainder, 70 were Electronic NC cases through U.S. Probation, and the remaining 64 were being electronically monitored through CCCs and Inter-Governmental Agreements (1GAs).

The first pilot urban work camp (UMC) was established in October of 1990 in Philadelphia, Pennsylvania, allowing offenders to be placed in a Community Corrections Center for the last 18 months of their sentence. During the first year in the program the inmate is assigned to a Community Corrections component and is required to perform menial labor for a local federal agency. The only time the immate is allowed away from the center is for this work assignment or other approved program activity such as substance abuse counseling or religious services. When the immate reaches six months from release, he or she may then be placed in the Pre-Release component of the center.

Currently, there are now female and male UNC programs in Philadelphia, as well as programs at Kelly Af8, near San Antonio, Texas; the VA Mospital in Dallas, Texas; Fairchid Af8, Mashington; Maval Air Station, San Diego, California; fort McMenry, Baltimore, Maryland; the Forest Service, Colorado Springs, Colorado; fitzaimmors Army Mospital, Denver Colorado; and the Forest Service, Ocala, Florida. As of December 1992, there were approximately 209 irmates in the urban work camp program.

As of March, 1993, the Bureau's Intensive Confinement Center (ICC) at Lewisburg, Pernsylvania, has an average population of 180 male inmates, and has successfully graduated 457 immates from this program. The female ICC located at Bryan, Taxas, was activated in July 1992 and maintains an average population of 120 immates. Their initial class of 57 immates graduated on January 13, 1993.

A major accomplishment during FY 1992 was the establishment of the Mational Office of Citizen Participation. The primary function of this office was to engage community resources in the reintegration of offerders into the community through expansion of current institution volunteers propagate as to tap into now mon-treditional services. Since its inception, the office has completed a draft program statement for volunteers, propagated a volunteer handbook, conducted a joint seminar with the U.S. Probation Service on Community resources and created a partnership with the Rainbow Cosilition to start mentoring programs.

Other 1992/1993 accomplishments include:

- An intergoverrmental agreement established in Hinton, Oklahoma for 488 beds. The count as of March 5, 1993 is 434.
- Renewal of the interagency Agreement between the Administrative Office of the U.S. Courts, U.S. Parole Commission, and Bureau of Prisons on Home
- Establishment of the Parole Violstor Sanction Program (a.k.a. Halfway back). This is a joint program between the BOP, U. S. Parole Commission, and the Probation and Pretrial Services Division of the Administrative Office of the U.S. Courts in Washington, D.C. and Baltimore, Maryland. Establishment of the Parole Violator

- An alternative sanctions work group was established to discuss and evaluate possible alternative sanctions and identify the target population. Special use statements of work were drafted for a pilot Comprehensive Sanctions Center (CSC) which was implemented on an interia basis in Cleveland, Ohio on October 1, 1992. The BOP has plans for three to six additional CSCs.
- implemented the Community Drug Transitional Services Program. This program consists of intensive out-patient counsaling and drug testing throughout transition to community life while in a Community Corrections Center or on home confinement.
- The Community Corrections and Detention Division is working to secure contract services for pregnant offenders in community based programs located near BOP female institutions. There are currently two active pregnant offender or MINT (Mothers and Infants Together) contracts in Santa Clara County, California, and Ft. Worth, Texas with four other sites proposed. Momen participate in the program at the CCC during their last two months of pregnancy and for three months after birth in order to bond with the child.
- Participated in publication of the "Judicial Guide to the Bureau of Prisons."
- Developed and implemented the Mariel Cuben Drug <u>Ingating</u>nt Program at FCI Englewood, Colorado. To date, 123 Mariel Cubens have successfully completed the program.
- Coordinated with Executive Office of immigration and Review, and immigration and Maturalization Service to establish institution Mearing Programs at 5 Federal sites.
- Assisted Silbert and Associates with the development of "innovative Correctional Programming of a Mariel Cuban.", a summary report with recommendations regarding program needs of Mariel Cubans.

<u>Program Change:</u> Joint BDP/IMS Private Contract (Long-Term Boarders). In 1994, the Bureau is requesting \$5,000,000 to fund a 1,000 bed joint Bureau of Prisons/Immignation and Naturalization Service contract facility for one-quarter of the year. The facility will consist of 500 beds for BOP sentenced criminal atlens and 500 beds for Immignation and Naturalization Service detaines.

the changes to reflect targeted resource and workyear levels of the Administration are included in the Multi-Activity Program Changes Exhibit.

Activity: Institution Admin.	188	1993 Availability		=	1994 Beselir	3		1994 Estimate	Mete	120	Incresse/Decre	1695
Mant and Iraining	Pera.	SI	틹	Perm.	되	Perm. WY Amount	Perm.	되	Perm. Pos. M Amount	Pos.	Pos. M Amount	AROUNT
Institution Administration, Nanagement and Training	4,357	4,306	4,357 4,306 382,756 4,078 4,172	4,078	4,172	392,694	4,550	4,289	392,694 4,550 4,289 413,330 472 117 ;	ţ	13,330 472 117 20,63	20,636

Long Range Goal: To provide effective, comprehensive direction, and leadership to the Bureau of Prisons (BOP) by coordinating, initiating and evaluating planning and operational activities through the various central office divisions, regional offices, institutions, and the executive staff. To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.

To provide staff with the knowledge, skills, and abilities necessary to maintain a safe, secure, productive, and efficient correctional environment. provide all staff with development opportunities to meet the future challenges of the Bureau and encourage personal growth and Job proficiency.

Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

ior Objectives:

Provide executive direction and control at the Central Office, Regional Offices, institutions, and Iraining Centers;

Establish and enunciate policy;

Provide legal counsel relating to correctional management issues;

Plan, develop, coordinate, and evaluate BOP programs and activities; increase efficiency and program effectiveness;

Maintain effective procedures for the processing and disposition of federal offenders; maintain inmate records;

When necessary and appropriate, assist State correctional systems, the District of Columbia Department of Correctiona, the U. S. Marshals Service, the immigration and Maturalization Service, and other jurisdictions experiencing difficulties by housing their offenders;

Maintain an effective workforce and administer personnel policies. Implement an active career counsaling and development program for staff to meet the Bureau's future and curront needs;

Provide for squal employment opportunity ensuring the representation of minorities and women in the workforce, and increase the number of minorities and women promoted to management and supervisory positions;

Provide introductory correctional training, continuing advanced correctional skills training, technical, professional education, and job specialty training instructors to ensure quality programs;

Provide institution-based operations training to all staff to enhance emergency responsiveness, facility security, and correctional skille proficiency; Provide supervisory, managerial, and executive training programs to meet the developmental and proficiency needs of Bureau managers;

Implement extensive cultural diversity and foreign language programs in order to effectively manage the increasingly diverse inmate and employee population;

implement on effective needs assessment and program evaluation program to incresse the impact and efficiency of training programs;

implement alternative training delivery methods and new technologies to supplement existing classroom instruction;

Develop working relationships with higher learning institutions and State and iocal correctional agencies to investigate new and more efficient approaches to staff development, enrich Bureau efforts and assist others in law enforcement training;

investigate alleged employee conduct;

Maintain capabilities to respond effectively to public and Congressional inquiries;

sacilitate atrategies for Advanced Procurement Planning; procure all goods and services to the Bureau by maximizing full and open competition;

Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval;

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential

Develop, formulate, and defend Bureau of Prisons formal budget submissions to the Department of Justice, Office of Management and Budget, Mational Drug Control Policy, and Congress;

Provide current and accurate financial management, including the administration and control of funds and positions appropriated to the Bureau, emphasis on program manager involvement in the management of funds;

Continue to enhance SENTRY and personal computer applications;

Naintain standards for safe and healthy working/living conditions; provide for a Drug Free Workplace;

Process all official and inmate mail;

Have all federal institutions, as well as the Central and Regional Offices accredited by the American Correctional Association.

Base Program Description: This budget activity covers costs associated with the general administration of facilities and provides funding for 71 institutions, six regional offices, a central office, and three residential training centers. Included are functions of the executive staff; regional and central office personnel management; equal employment opportunity; financial management; records office; battery staff training; mechanical services; motor operations; power house operations; procurement and property management; records management; research and evaluation; program analysis; budget devalopment; budget execution; policy devalopment and implementation; systems support; ADP services; and legal services.

The Bureau of Prisons is managed from a Central Office in Washington, D. C., where the Director, Assistant Directors, and Assistant Directors, and Assistant Directors, and Selvington and a staff, which is led by a Regional Directors, and Regional Directors are twery other month to review all major issues and determine policy for the Bureau. The Management Staff at each institution including wardens, associate sarders, and executive assistants, provide overall direction and implement policies. Staff training is provided on site at each institution; at three residential training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections, other Federal agencies; by colleges/universities; and by private agencies.

The Bureau sets and enforces high standards of personal and professional conduct in its workforce. The Office of internal Affairs, reports to the Director and provides Lisiaon and Investigative assistence to the Department of Justice's Office of the Inspector General (OIG) regarding allegations of waste, and improper activities on the part of agency employees. Investigations that may lead to criminal sanctions are also coordinated by either the OIG or the Federal Bureau of Investigation.

The Office of General Coursel and Review provides legal advice and assistance to officials of the Bureau in the areas of Commercial Law, Legislative and Correctional Issues, Litigation, Employment Law and Information, and Legal Administration.

The Community Corrections and Detention Division provides programs and facilities for Federal offenders serving their sentences in non-Bureau of Prisons locations. The Division has an instrumental role in the designation of new offenders to Bureau and to non-BOP facilities develops and manages contract residential resources that provide pre-release assistance for inmates who are nearing their eventual release date, an option to institutional confinament for certain short-term offenders, and a structured environment for certain probations, paroleas and supervised releases who need more assistance and supervision than offenders long-term Federal inmates confined in non-Federal institutions, and detention of Federal offenders serving short sentences; maintains working relationships with U. S. District Courts, U. S. Frobatics, U. S. Parole Commission, U. S. Attorneys, State, and local government services to the purpose of processing offenders into and out of the Bureau of Prisons; and local criminal justice agencies and serving as general Lisison between the BOP and the public.

The Correctional Programs Division provides a safe, secure institution environment for immates and staff, and is responsible for assessing immate security requirements, considering all aspects of the security designation policy forms and overt institutional behavior; appropriate use of detention systems, personnel and procedures which, in combination, provide early recognition of postential security hazards; actively seeks ways to reduce violence in prisons; encourages in mante population activities and programs designed to eliminate idlenes and institut a positive took of shift posters institutions; operates and maintains security posts to ensure custody and control of the immate appulation; enforces security polities and procedures throughout the institution; maintains proper disciplinary procedures; and develope Correctional Officers.

Inmate Systems Management (15M) provides professional, accurate, and timely ISM services to inmates and staff, working within the standards of the Bureau of Prisons, including accurate coaputing of sentences, proper processing of immates and property through receiving and discharge; provides U. S. Mail services; assures special care is taken to detect the introduction of contrabend, and to ensure that all immates are released on the correct statutory released tas. In addition, Inmates are Management provides paralegal services for answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in contramaters perialning to immate records; and providing expert testimony regarding sentence computation. Finally, the office is also responsible for the processing of all institution mail.

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and extends this The Chaplaincy Services Branch facilitates opportunities for Federal inmates to pursue their individual religious beliefs and practices, mission of pastoral care to institution staff members as their personal spiritual needs may require. The Health Services Division has three missions relating to its concern and responsibilities in medical care, safety and environmental health, and food services. Health care provides essential medical, dental, and mental health services to inmates by professional staff consistent with acceptable community standards. Safety and environmental health is responsible for providing and maintaining a safe and healthful environment in which staff and immates can work and live. Through regularly scheduled inspections and ongoing training programs the safety program plays a major role in the daily operations of the general population and those at nutritional risk.

6 \$ 5 5 5 5 5 5 5 5 5 2 The BOP has taken a lead role in the protection and preservation of the environment among government agencies. Activities include the establishing a national recycling program, hazardous waste minimization, and reduction of total waste stream for all BOP institutions. The safety program involute inspection of institutions for sanitation, rodent infestation, unsafe working conditions, and presence of hazardous chemicals. The safety office responsible for processing accident reports and compensation forms for employees.

The Human Resource Management Division is responsible for the development, implementation, and administration of a merit system for Federal employees which includes recruiting, examining, setetion, training, and promoting individuals on the basis of their knowledge, and skills regardless of their receptables, set political influence, or other factors. The Division also establishes Bureau-wide personnel politics that meet legal and regulatory requirements of the Federal Government.

The Division also coordinates national recruitment efforts to ensure a pool of qualified candidates for all positions; plans, develops, and implements atfifmative Action Plans to ensure that all employees are treated fairly, equitably, and with care and consideration; develops and operates a nationwide staffing program for the processing of job applications; manages six nationwide office of Personnel Management registers to provide timely processing applications processing of job applications; manages six national registers for Correctional Management Specialist, Clinical Psychologist, Powerland and Medical Doctor; develops an effective correctional Treatment Specialist, Clinical development experiences; designs and implements management and Medical Doctor; development programs to meet leadership needs; provides expert advice and suidonnes relating to the employees union, employee grievances, and employee disciplinary actions; ensures all employees are properly classified and neceive all benefits, rights and entitlements.

The Bureau operates a training scademy at the Federal Law Enforcement Training Center, Glynco, Georgia, which provides introductory correctional training for all new employees. The training academy provides facilities for the housing of students, training in firearms and self-defense. Course materials may organized and written, and provide instruction on abnormal behavior, community programs, courseling systems, the dynamics of prejudice, equal employment, etc. The Bureau also conducts programs at the Federal Law forcement Training Satellite facility in Artesia, New Mexico. This training center offers advanced correctional skills training, such as bus operators, armed escort, and spenish language training; as well as, courses for required instructor certification in such areas as firearms, self-defense, and disturbance control.

Most of the BOP's meetings, workshops, and managerial and technical training are held at the Management and Specialty Training Center in Aurora, Colorado.
Through arrangements with iccal hotels, there is adequate housing available. A wide range of courses are available for supervisors and program annagers and for trainers who conduct the institution's training programs. These include courses for equal employment opportunity courselors, unit managers, correctional supervisors, and others.

ximately 80 percent of the Bureau's training is conducted on site at the institutions. Each institution has an Employee Development Manager who is amonger, and organizes the institution's training programs. Certain institution conducted courses are required by national policy. For example, manages, and organizes the institution's training immediately upon entry-ordaty. Each experienced employee mast be given except of orientation training immediately upon entry-ordaty. Each experienced employee mast be given extronal retraining each year in such subjects as self-defense, disturbance control, firearms, fire protection, and inmate supervision. Each opproximetely 80

new case manager and unit manager must complete a self-study course in case management operations within slaty days of appointment. Most other positions also have mendatory training requirements.

The Information, Policy, and Public Affairs Division facilitates the use and dissemination of information within the Bureau and to external constituents, including Congress, other components of Federal, State, and local governments, members of the criminal justice community, the media, and the general public. The Division is composed of bublic Affairs, Research and Evaluation, Information Systems, Policy Review, Documents Control, Security/Technology, Archives, and the Office of External Affairs.

The Office of Public Affairs is responsible for public, and other organizations and communications functions and provides a wide range of public information services to the media, the public, and other organizations; coordinates major media contents; responds to numerous inquiries from mess organizations; and compiles a detailed weekly report from the Director to the Attorney General; conducts is legislative tisions program that includes coordination with the Department's Office of Legislative Affairs; maintains direct contect with Neabers of Congress and their staffs; responds to Congressional inquiries and concerns, as necessary; processes written and telephonic Congressional inquiries regarding Bureau operations throughout the country; works with the Federal Judicial Center in coordinational programs projects that enhance public knowledge of the Bureau and fits programs; and coordinates information regarding Community Relations Boards in Bureau institutions nationalide.

The Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research which include conducting studies, developing and maintaining information systems, maintaining the Central Office Library, producing and distributing reports, responding to information and exchinical assistance requests, and processing research proposals. The Research Office generates and distributing reports as usual topics as recidivism, institution social climate, self-reported substance should mates, about inserted as a constant of the climates, and the relationship of work and vocational training of immates to post-release employment and criminality; responds to requests for information or technical assistance from Bureau staff and outside agencies; and generates data on such issues as population projections, immate medical data, non-citizens, UNICOR, and older immates for use in formulating policy and/or programs.

The Office of Mational Policy Review is responsible for quality assurance review of the Bureau's directives before issuance and for overseeing the administration of the directives management system. It maintains a database and reporting system that tracks Bureau policies being developed or revised. It provides staff training and consults with staff about every aspect of policy development.

The Office of Security Technology is responsible for identifying, evaluating, assisting, and developing security/technology initiatives and equipment within the Bureau; centralizing the identification and screening of new equipment and technology for potential use; establishing relationships with other federal and State law enforcement speciels; responding to field requests for technical solutions to operational problems; coordinating evaluations with other Bureau branches, divisions, regions and institutions potentially affected; distributing information to institutions and offices regarding the results of evaluations and tests; and establishing standards for the use of security systems.

The Office of Information Systems ensures the provision of modern, automated data and information systems for all Bureau locations including computer services, application system development, technical support, personal computer support, financial systems, and field support.

The Office of Documenta Control (COC) is responsible for system wide management of directives, forms, printing, and electronic publishing, with operational responsibility for central office mail and reproduction services.

The Archives Office conducts historical research; develops, books, articles, and special presentations on BOP history for both internal and external audiences; collects and preserves historical records and artifacts and coordinates Bureau-wide records disposition guidelines. Specific projects include production of a records manual, development of exhibits at Alcatraz, BOP facilities and other sites, and completion of a book of essays on prison history for use on education tool The Office of External Lisison coordinates and advises on international issues of interest to the Bureau, maintains lisison with Foreign governments and international organizations requesting technical assistance, advice and information, and assists other U. S. Government agencies in their efforts to provide international assistance.

The Program Review Division facilitates self-assessment by Bureau managers to determine strengths and weaknesses; gathers information about BOP operations in a consistent and objective manner; provides accurate, relevant information to management in a timely manner; provides training, insight and strategies

to assist management in the strategic planning process and the efficient, effective gathering, monitoring and sharing of data; coordinates and monitors appropriate oversight activities of audit and regulatory authorities; and ensures that effective management and operational procedures exist throughout the Division.

The Program Review Branch reviews compliance with the laws, regulations and policy, adequacy of controls, efficiency of operations, and effectiveness in achieving program results, including exploring and developing all pertinent and significant information necessary to properly evaluate, support, and present findings. Through this process, the Branch is able to provide assurance that Bureau programs are operating within policy and are free of fraud, waste, abuse, mismanegement, and illegal acts.

The Competition Advocate seeks to enhance deficit reduction, avoid wasteful year-end spending, and accrue savings to the BOP through various competitive strategies which are designed to reduce contract costs. Savings generated by these strategies may then be used for other vital Bureau programs.

The Program Analysis Branch is responsible for monitoring and evaluating Bureau programs in order to provide timely and relevant information about specific program performance and Bureau-wide patterns and trends. To accomplish this program review information is integrated with other data sources which show managers how it can be used to monitor, evaluate, and plan.

The Strategic Management Branch facilitates, monitors, and evaluates the agency's implementation of the federal Management Financial Integrity Act by coordinating management assessments, providing a quality assurance mechanism for the program review process, and organizing the year-End Management Control Report for the Directory, which is forwarded to the Attorney General. The branch provides a listen service for the Bureau of Prisons contacts with external waiting services for the Bureau of Prisons. Contacts with external waiting services the diffice of impector General, and the American Correctional Association. The Strategic Management Branch encourages the implementation of strategic planning through training, publication, and the dissemination of strategic planning updates. The branch assists management in the implementation of the agency Strategic Management Cycle by coordinating Management production and distribution of Executive Staff spends books, agends books, agends thems, and teleconference minutes; monitoring progress on execution of approved Executive Staff Items, and assistance to agency managers in the development and implementation of strategic goals, objectives, and action plans.

The Administration Division provides the resources and support necessary for the Bureau to perform in an effective and efficient manner. This includes the development of budget requests, the steardable of financial resources, and procurement and property management; the dealign and construction of new corrections faciliates, as well as the removation and maintenance of existing facilities; and provides other administrative support services required by the organization.

The Budget Development Branch develops and formulates the Bureau's resource requests; justifies the Bureau's budget estimates by preparing formal budget stamissions, written testimony and detailed date which support the agency's funding requests before the Department of Justice, the Office of Managament and Budget, and the Nouse and Senate Appropriations Subcommittees, and the Judiciary; and participates in the formulation of the Bureau's long-range Capacity Expension Plan.

The Budget Execution Branch ensures operation within the appropriated funding and position levels by developing and overseeing adequate monitoring and control mechanisms; develops national policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, Office of Management and Budget, the General Services Administration, the Department of Tressury, etc.

The Capacity Planning Branch coordinates and analyzes information related to capacity planning, covering such varied areas as female offenders, detention needs, medical facilities, population projections, new facilities construction and contract confinement; produces and updates the Bureau's Capacity Plan, which is the official composite plan for the utilization of correctional capacity; and produces the Federal Detention Plan, which is an interagency plan between the Bureau of Prisons, Immigration and Naturalization Service, and the U. S. Marahala Service.

facilities Nanagement directs and monitors the existing institution repair and improvement program; establishes policy governing the maintenance of existing facilities; and provides technical support to both Sureau staff and outside entities regarding architectural, engineering, and facilities issues.

finance ensures that all financial transactions are recorded in an accurate and timely manner in order to produce financial reports necessary to monitor the financial status of the institutions and the Bureau of Prisons; develops Bureau accounting policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, the Office of Management and Budget, the General Services Administration, the General Accounting Office, and the Department of Tressury; and develops subsequent financial systems to meet the changing requirements of the Bureau and to enhance

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Management Support provides management and program analysis support for the Administration Division; monitors and updates changes in institution rated capacity program statement; and prepares management presentations using advanced graphic and video techniques to support programs initiated by the Director's Office, Assistant Directors, and other Central Office Branches.

The Office of Design and Construction is responsible for the budgeting, planning, design, and construction of new institutions for the Bureau of Prisons; develops design and related sechnical standards and policies for development of new Bureau facilities; participates in the Bureau's long range capacity expansion planning; and provides technical advice and support within the Bureau and to outside entities related to architectural, engineering, construction, and project management issues.

Procurement and Property develops Bursau-wide procurement policy to ensure goods and services are acquired in a timely manner, within Federal statutory regulations, and at the best value to the Government; provides accurate accountability and control of the Bursau's property resources, and its immate frust fund operations; and provides direct national contract services in the areas of community corrections, and new facility construction.

Also, the Procurament and Property Branch in conjunction with the Veterara Administration negotiated a Prime Vendor Contract or pharmaceuticals for all 800 feeilities. The Prime Vendor Contractor is responsible for providing pharmaceutical supplies to all 800 feeilities within 24 hours. The Prime Vendor will cut pharmacy costs by reducing inventory maintained on hand; reduce wate (expiration dates, depot returns); provide for standardization of drugs; and, reduce work hours.

The Site Selection and Environmental Review Branch identifies new sites for correctional facilities, carefully balancing human resource needs, economic and environmental considerations and demographic needs of the expending inmate population; develops and coordinates national and regional strategies for the identification of appropriate locations for har federal correctional facilities; functions as the liston with State and local officials to garner support for development of proposed correctional facilities; serves as the primary contact for providing information to the Congressional delegation, federal family, and the madia when a new facility is proposed; and coordinates the development of the environmental impact study with the community and the environmental consultant, ensuring that statutory, regulatory and other related Federal requirements are met.

Finally, the Trust Fund provides commissary services, and ensures the financial integrity of the Trust Fund and Inmate Deposit Fund; and implements manages a Bureau-wide inmate telephone calls.

ACCOMPLISHMENTS and Morkload: Actual and estimated accomplishments for these programs are presented in the following table:

	<u></u>	1882	1993	Chenge	XI
Institution Administration:					
Purchase Under \$25,000 (Dollars expended in thousands)	\$252,291	\$310,000	1,320,000	\$25,000	\$345,000
Contracts Over \$25,000 (Dollars expended in thousands)	\$690,250	\$564,224	8600,000	\$30,000	\$630,000
	3,600,000	3,73,170	4, 137, 311	107,462	4.244.773
	445,671	409,528	508,865	13,304	522, 169
Commitments Processed	34,385	36, 167	43,510	6,9	109,69
Transfers In Processed	18,072	33,868	37,593	4, 135	41,728
Other Movement in (Furloughs, Writs, etc.)	130,816	178,112	197.79	21,747	219,431
Discharges	12,337	20,023	22,226	2,445	24,671
Transfers Out	49,985	44,793	49,720	5,469	55, 189
Designations	. :	000,00	45,000	900.	99
Other Movements Out	133,591	165,937	186,190	20,261	204, 451
Movements in the BOP (includes promotions, laterals, transfers, combinations, new hires	•		•		•
and separations)	13,815	15,845	17,428	3,523	20,951
Safety Inspections	4, 140	4,320	720	1,	5,191
Accident/Injury Investigations	3,900	7,300	90.7	2	5.13
Fire Investigations	320	ž	23	22	432
Environmental Coordination of Mazardous Waste, Recycling Programs, etc	8	\$	2	•	8

				Estimates	
	<u></u>	188	1993	Chenge	XI
Steff Ireining:	;	:	. :	;	:
External Training	11,280	12,100	00°,	8	3,300
Staff Training Academy - Glynco Training	2,767	6,274	3,509	-, 8,	5,416
Management and Specialty Training Center Training	3,93	4,302	999,	9	077.
Internal Training	141,553	159,692	155,071	4,629	159,700
Menagement and Administration:					
Policy Statements Issued	ጸ	3	8	8	R
Change Wotices	33	2	\$	2	3
Operations Memorands	297	326	320	S	8
Tort Claims	2,942	3,550	3,905	8	\$
FOIA/Privacy Act Cases	5,380	900,9	9	8	6,200
Administrative Remedy Cases	24,493	27,300	30,000	3,000	33,000
EEO Cases	5 0	135	5	2	291
Ethics Training Participants	25,500	27,030	28,651	1,719	30,370
Contract Reviews for Legal Requirements	380	\$59	818	£	20,
Investigations of Alleged Violation of Standards of Professional Conduct	1,020	- 00,	1,330	2	.500
Total Number of Lawsuits Filed.	7,390	1,262	1,403	8 8)	1,315
Total Number of Lawsuits Pending.	5,084	8	967.9	(38)	6,315
Responses to GAO/DOJ, OIG Audits	2	33	\$	•	8
National Recruitment Activities/Trips	717	-, 90,	450	550	000,
Number of Grievances, Arbitrations, EEO cases, MSPB cases	150	&	350	ຂ	25
Percentage of Women and Minorities in BOP	8	33%	35X	న	Ķ
SENTRY Average Daily Transactions (in thousands)	8	650	30 20	<u>\$</u>	850

The Office of Research continues to enhance the Key Indicators Strategic Support System, an integrated menagement information system that is currently available to managers on micro-conquiers at 71 fecilities, plus other regions and circuit officent transfer estanding irmates, asaff, financial menagement, and institutional operations. This system is intended to form the backbone of the Bureau's internal menagement and oversight structures in coming years, and will be integrately related to virtually every function in the agency. Featuring a uniquely blended system of stand-slowe microcomputers using mainframe computer data; key indicators provide Bureau menagers at all levels with critical comparative data on not only their own operations, but also emerging trends across all organizational levels. Maving this information in hand facilitates prompt, effective management intervention when necessary.

Thirty research reports were written and distributed in FY 1992. The reports were on topics such as disruptive group behavior, health status of prisones assaults on staff and immates, the manual of prisons version and immates, the manual of prisons versions of immates problems of immates the prisons of immates to post-release employment confineent Center, electronic monitoring of offenders, and the relationship of work and vocational training of immates to post-release employment and criminality. Research staff also responded to more than 50 major requests for information or technical assistance from Sureau staff and outside agencies, each request requiring from 8 to 160 hours of staff time to complete. Data generated on such topics as population projections, immate classification, non-citizens, UNICOR, and older immates were considered by managers in formulating Sureau policy and/or programs.

A major computer programming effort is underhay to provide the Office of Research with convenient access to additional automated data for analysis. This effort, for example, will allow research staff to evaluate immate misconduct and its relationship to other variables such as housing assignments, and recidivism. It will also allow managers who request statistical information to receive it faster and at less expense to the Bureau.

The Prison Social Climate Survey (PSCS) was administered to a representative sample of staff across the Bureau to provide management with information about employee perceptions of their Jobe, place of work, and the Bureau as an organization. Analyses of the social climate data were placed on Key Indicators so that it would be available to managers and administrators.

evaluate the The Bureau continued work on a project conducted through an interagency agreement with the National Institute on Drug Abuse in an effort to effectiveness of drug treatment programs within correctional settings. A research report is in draft form and another has been completed.

Finally, the Research staff's responsibilities include: projecting the Bureau's immate population by fiscal year; studying the effectiveness of the security access control pilot project which incorporates a hand-imaging identification system at an institution; conduct of a survey of staff disabilities, and; evaluation of a sex offenders program.

During 1992, the Office of National Policy Review developed a new Directives Management Manual, regularly provided the Director and Assistant Directors with policy development tracking reports and management indicators, maintained a formal policy lisison with each Central Office division, provided staff training and consultation, and initiated quality assurance reviews of policy documentation in the program areas.

Also in 1992, the Office of Documents Control (ODC) converted all paper policies to electronic format and published current policy on the "BOPDOCS CD ROM:"
The policy CD ROM is updated and distributed monthly. In 1994, when staff have broader access to the policy CD ROM vis the "BOP Net" LAM, paper distribution of policy will be greatly reduced. To duriner eliminate paper and increase staff effectiveness, ODC will also be incorporating many system wide forms on the BOPDOCS CDRM during 1993 and 1994, During 1993, ODC will also be incorporating the directives of other agencies (GSA, OPM, OMB, etc.) to further reduce paper distribution and increase the electronic accessibility by staff to directives.

The Office of External Lisison worked with the Departments of State and Justice to provide technical assistance to the prison systems of Ecuador, Colombia, Jamaica, Russia, Panama, and Bolivia. Since its inception, the Office also coordinated over 140 foreign visits to Bureau offices and institutions representing over 80 countries and coordinated requests for training at Bureau facilities.

The Program Review Division initiated comprehensive tracking of review citations through the Automated information System (AIS); developed a major effort to their steff in monitoring program activities through use of Key Indicator date, risk assessment, operational and program reviews; established a strategy for saving actionate searces through advanced procument planning with low parameters. Program; developed centralized tracking of external agriculas auditing for fraud, waste, and abuse; initiated strategic planning straining and support to the Central Office, Regional Offices, and field locations, assisting steff in adapting principles of strategic management to their particular needs.

The Community Corrections and Detention Division (CCDD) implemented several new initiatives regarding alternative sanctions and reintegration programs, during 1992. An alternative sanctions work group was established to discuss and evaluate possible alternative sanctions and to identify pilot programs. A Parole Violator Sanction Program was implemented and coordinated between the Bureau of Prisons, U.S. Parole Commission, and U.S. Probation Service in the Washington, C.C. and Baltimons, Maryland areas. The program splaces technical parole violators in CCC's arole strict supervision of Probation Officers instead of conventional incarceration in Federal institutions. Additionally, a pliot Comprehensive Sanctions Center has been targeted in the Northern District of Ohio for a myried of alterative programs such as day reporting, fine restitution, community service, etc.

CCDD is also working to procure regular contracts for pregnant offenders in community based programs to be located man BOP female institutions. They also established the Mational Office of Citizen Participation whose primary function is to engage community resources in the reintegration of offenders into the community through new and existing resources.

The Correctional Program Branch, Correctional Programs Division has developed a separate Classification System for females based on extensive research which indicates that female offerders are generally overclassified in terms of security requirements. This Classification system is ready for full implementation the fall, 1993. Mission changes from Medium security to Low security are being made at five institutions to match and manage the inmate population. Changes should be complete by Spring, 1994.

In 1992, the Bureau and the Immigration and Naturalization Service hosted deportation liaison officer training at the Federal Law Enforcement Training Center (FLETC) in Artesia, New Nexico. Twenty-four BOP and INS personnel who work with the Mariel Cuban population participated in a 3-day workshop, which covered such topics as the Cuban review panel process, Cuban culture, BOP processing procedures, and riot and hostage situations. The joint training made both agencies scnsitive to issues related to the Mariel Cuban population and the goals of each agency regarding the management of this population.

The Office of Public Affairs developed materials that emhance public knowledge of the Bureau and its program. They provided information to schools throughout the Mation on corrections and the Bureau of Prisons; distributed informational packages regarding Bureau operations; coordinated Sentencing Institute seminars for Federal Judges; and established and maintained crisis hotlines in response to BOP emergencies; and assisted Federal Prison Industries in legislative and high profile Congressional issues.

The Office of Congressional Affairs conducted a legislative liaison program that included coordination with the Department of Justice's Office of Legislative Affairs, amintained direct contact with feathers of Congress and their staffs, responded to Congressional Inquiries, conditions to their staffs and other officials; and supported field operations through information processing of member profiles to Chief Executive Officers. The Office also processed written and telephonic Congressional inquiries regarding Bureau of Prisons operations throughout the country, responding to over 5,000 telephonic requests from the Congress, the public, and government officials; and coordinated 1° 3 3rd, 7th, and DC ficulitis Sentering Institute with the Federal Judicial Center. Further, as a result of the unprecedented turnover in Congress, the Office established congressional action teams to educate new members on Bureau of Prisons issues.

The Office of Communications produced numerous publications and video productions that enhance public and practitioner knowledge about the Bureau and its programs. Publications include the annual "facilities Book," which provides general information about Bureau institutions; the "sudicial Guide to the Bureau" annual periodical; the Bureau" annual periodical "facetar Prisons Journal," a professional development journal for researchers and managers; and the weekly "Monday Norming Highlights" newstetter. In the interest of cost containment, the Office conducted a purpe and restructuring of several publications mailing lists; including the "Monday Norming Highlights" and the federal Prisons Journal," Further, the quarterly "Volunteer Today" was produced; it is a newstetter for and about the over 4,000 volunteers who assists to greatly in Bureau institutions with educations, religious, counseling, and other activities. The Office completed video productions on the Immate Financial Responsibility Programs (which will increase public understanding of this programs, under which Immate Financial Responsibility programs (which will increase public understanding of this programs, under which insters pay courrected fines, judgements, restitution, etc.); and the appropriate use of force; as settles as a number of informational underse designed to provide vital information to staff for use in their work. In addition, a brochure was developed to educate visitors to Bureau facilities about Bureau programs.

The Public Information Office broadened its range of public information services to the media, general public, field offices, and other organizations by reorganizing staff assignments and developing a centralized filling system of pertinent information to more efficiently respond to an increased volume of inquries about the Federal Bureau of Prisons. I Elephone Inquiries during the fiscal year increased by 75 percent (an additional 7,500 calls), making the total number of calls for FY 1993 estimated at 17,400 (including 2,000 media calls and 2,500 general public calls); written responses were prepared for 1,700 inquiries; and 2,000 nesappers were reviewed for significant informational articles that could be distributed to 200 was expense at seaf and the filed, or responded to as a necessary. The Office conducted media training for agency public information officers at each correctional facility and developed and distributed Media Emergency Quidelines to each facility to assist them in developing Emergency Plans that could be used during crisis situations that may attract significant media attention.

The Office of Public Affairs also coordinated information regarding Community Relations Boards in Bureau institutions nationwide. Community Relations Boards provide an open aware of communities and are an equally effective method ofor community representatives to learn about the Bureau and their local institution. Community Relations Boards now operate in the majority of Bureau institutions, of elementatives to learn about the Bureau and their local institution. Community Relations Boards now operate in the majority of Bureau institutions, offering local citizens, government officials, and other interested parties an opportunity to share with facility staff information about issues of mutual

development 0 staff were The Bureau continued to emphasize and provide ethica training to Bureau staff to heighten awareness of ethics-related issues and to prevent do not only conflict.of-interest situations, but also circumstances that might give the appearance of such a conflict. Approximately 27,030 trained in calendar year 1992.

the Bureau's policies were upheld in the following significant cases.

In <u>legger v. Ihornburg</u>, Eastern Diatrict of Michigan, the Court upheld our policy of not providing a Muslim prisoner a diet similar to the Kowher diet. In addition, the Court ruled that common fare was also sufficient to meet constitutional requirements in the area of religious dieta. This decision facilitates the Bureau's implementation of the common fare policy.

In <u>Fleechig v. U. S.</u>, the Court of Appeals for the Fourth Circuit upheld the District Court and ruled that a correctional officer who took a prisonar to his home and raped her was not acting within the scope of his employment for purpones of the Federal Tort Claims Act. The Court also upheld the Bureau's Program Statement 5538.1 and stated that it is a written statement of its internal operating procedures and does not create <u>per se</u> liability whenever is

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concerns, the In <u>Peterzon and Balistrari v. Bosan</u>, Eastern District of Michigan, the Court upheld the Bursau's decision to deny, due to serious security request of a former contract teacher for visitation and authorization to marry an FCI Milan inmate. 1

In <u>Muhammed v. BOP</u>, District of Columbia, the Court upheld the Bureau's policy on the possible segregation of NIV positive inmates when there is evinthat the immay pose a risk to others. This decision serves to strengthen the Bureau's policy in the area of NIV.

Henthorn v. Department of Navy, et al., District of Columbia, the Court dismissed the inmete's suit and held that his labor performed for the Navy did i make him an "employee" within the Federal Labor Standards Act.

In January, 1993, the General Coursel and Review Division set up a Litigation Management System (LMS) which maintains a current list of all lawauits filed spaint the Bureau of Prisons or any of its employees. The system will also aid attorneys and paralegals with the day to-day menagement of litigation by maintaining information all facets of the litigation. The LMS will provide information for various reports, including the number of lawauits filed, the regions and/or institutions where they are filed.

The Finance Branch developed a working model for an on-line Treasury Payment System which will be implemented Bureau-wide chring 1993; established a PC Application Workgroup which met to analyze and develope application that in improve the efficiency of financial management; implemented the Diners Club AIM Cash Advance Program in the Contral Office, developed a Case Management Training Course for new Accounting Supervisors, and completed the first audit of financial statements as required by the Chief Financial Officers Act.

The BOP continues to lend assistance to many state correctional systems experiencing difficulty by housing their offenders. As of March 4, 1993, there are 387 state offenders in BOP facilities. In addition to state prisoners, there are 252 from the District of Columbia and 234 territorial prisoners serving sentences in Ederal Prisoners. To assist the U.S. Marchais Service in housing unsentenced Federal prisoners due to their inability to renaw or negotiate contracts with state and local jails because of overcrowding, the BOP has established or expanded jail units for pre-trial detainess at several institutions. There are 4,666 pre-sentenced detaines in BOP facilities. In addition, at the request of the Immigration and Maturalization Service, the BOP also is housing 1,090 Mariel Cuban detaines.

As of January 1993, 18,603 prisoners are non-citizens, representing 24 percent of the Bureau's total immate population.

As of March 1993, 52 institutions have been accredited by the American Correctional Association for 3-year terms. Six additional facilities are currently being reviewed for initial accreditation and 12 institutions for re-accreditation.

The Inmate Financial Responsibility program (IFRP) has continued to be successful in its systematic collection program for court-imposed fines, fees, and costs, which otherwise remained urpaid in many instances. The program resulted from close coordination between the Bureau, the Administrative Office of the U.S. Courts, and the Department of Justice and mass implemented systems, which is program secured inmate to satisfy the Bureau encourages such sentenced inmate to satisfy his or her Legicimate financial obligations and each timmste is provided the opportunity to develop a financial plan to satisfy those obligations. An immate's participation in the program is raviewed each time unit staff assess an inmate's demonstrated level of responsible behavior (custody classification, furloughs, halfway house placement, atc.). The program has identified approximately 21,000 Federal immates who have some type of financial obligations of funcial obligations in each of second interest of participating in the program on a regular basis. Nearly 33,900 have completed their financial obligations since the program immates have paid over 865 million through March 1993 toward satisfaction of financial obligations.

Major enhancements to SEMIRY were accomplished to accommodate changes in the security designations program statement. A new module was developed which will be mild for the financial Management System (FMS) with with will ultimately replace the Batch Transalsion System (BMS). All 4000 the moders were response time and permit on-line date entry for the financial Management Information System (FMMIS) to operate on-line over SEMIRY circults. A correspondence tracking system for use by all divisions within the Central Office. A correspondence tracking system for use by all divisions within the Central Office was developed. Programming and distribution was conscious of each individual accessing SEMIRY and providing an audit trail. Over identifiers were converted to a unique user ID system, allowing identification of each individual accessing SEMIRY and providing an audit trail. Over 10,000 unique identification of each individual accessing SEMIRY and providing manadit trail. Over 10,000 unique identification of each individual accessing SEMIRY and accountly requirements. Conversion to the Dou standard IQD SEMES security officer was established and filled. The FBI's IOP 20 NOST WANTED FUGITIVES list was adobt to the SEMIRY database to ensure the notification of the proper authorities when one of these individuals is confined for other charges. Risk Analyses of the Network Control centers, SEMIRW, and other major ADP systems were completed. In cooperation with Numan Resources, training of all Bureau safety in security and the major and provided and fill success to the individual security officers were completed. The Malayse of the Malayses of the Malayses of the Malayse of the Kentrol SEMIRY and other major ADP system were explicated. The Malayse for the Malayse of the Malayse of the Malayse of the Malayse for the Malayse for the Malayse of the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the Malayse for the M

reports for the Correctional Services Branch of the Correctional Programs Division was designed and programmed. Delegation of Procurament Authority from GSA for the BOPNet procurement of hardware and software for local Area Methoris (LAN's) for all Bureau institutions was received. All procurament documents for BOPNet have been prepared for issuance of a Request for Proposals. The Morbidity project has been completed, and it provides the capability to reconfinate medical encounters (doctor visits, etc.), and the reason for the encounters, for subsequent analyses. The system also includes on-line tracking of infectious diseases. The process of varifying the bills received from contractors or immate man-days in local Jails, halfway houses, etc.,

The Office of Security Technology installed a pilot video conferencing system for court procedures in Tallahasse, Florida linking the U. S. Court House to the Federal Detention Center. The system will permit the conduct of pre-trial hearings without removing the prisoner from detention. It is expected to improve security while reducing processing and transportation costs. A similar unit is planned for NDC Guaynabo, Punto Rico. The office also coordinated the installation of a pilot access control entry/exit system at FCJ Jeaup, Georgia. This system incorporates hand geometry, megnetic strip card, video imaging, and detabase technologies in a local area network environment. It is designed to ensure the positive identification of all persons entering and leaving the institution and is fully compatible with BOPNet and SENIRY.

The Bureau of Prisons is working with the Department of Justice Finance Staff towards a migration effort to incorporate <u>its accounting</u> system under uppertment's Financial Management Information System. This process entaits the systementic implementation of various modules of the system and will span the next several years until full implementation.

As of March 11, 1993, the new inmate telephone system has been installed at 27 institutions and implementation to all institutions will be completed over a 2 to 3 year period. This system allows the immate to dial direct using an access code number. This in turn, debits his trust fund account immediately placing this financial burden on the immate instead on family members and friends who use to receive collect calls.

The National Recruitment Office (NRO) was established in September 1987 for the purpose of attracting qualified candidates to staff various entry level positions. During 1992, over 30,000 requests for employment information were processed in response to aggressive advertising and recruitment activities. With the military downsizing currently in effect, much concentration has been devoted to the Defense Cutplacement Referral Service and visits to military separation centers. In the last half of FY 1992, over 25 percent of all new hires were selected unker the Vaterans Readjustment Act (VRA). Moreover, since March 1991, 40 percent of all VRA hires have been minorities.

The Bureau of Prisons has achieved significant progress in the area of pay enhancements that are critical to staff retention and recruitment. As of March 1993, 16,284 employees are now under special pay rates.

The Bureau continued to operate its own applicant processing and hiring program for select occupations including correctional officer. The Bureau has over 17,700 applicants for correctional officer on the register at the GS-5 and GS-6 levels. Approximately 26,000 applicants were processed during FY 1992 as a result of partial and ultimately complete closing of the register during the year. The Bureau has the largest examining process in the Federal Government outside the Office of Perconnel Hangement (OPM).

the Bureau also negotiated a new Master Agreement between BOP and AFGE.

The Human Resource Management Division continues to implement its strategic plan to meet the Bureau's staff development needs during a period of rapid growth. An organizational structure has been put in place to establish appropriate responsibilities for the development, delivery, and support of training services. The program design was completed in the areas of ir new managers training, career development for line staff, national needs assessment process; Spanial leagues estilis; and armed escort training, revised basic training, cross development courses, associate warden and warden training, accounts, and a wide range of effective alternative training delivery systems such as correspondence computer-based, and video television courses.

Bureau expension has significantly increased the need for extensive supervisory and management development programs. The agency has initiated: on-site basic supervision training at all facilities, an eight-day residential program for all new managers with extensive testing and feedback built into it, a comprehensive 16 course self-study series for generalist managers, and intensive case study oriented training for new Wardens and Associate Wardens.

In March 1993, this Management Preference Profile system included over 3,500 upper management amployees on the executive track database. Career planning seminars were presented in all Leadership Forume, New Associate Warden's Training Programs, other management training to enhance managers' understanding of the selection process, and the steps needed for successful career progression.

The Bureau continues to have one of the lowest correctional officer to immate ratios of any correctional system in the United States. This is successful by requiring basic and continuing law enforcement training for all staff, not just correctional officers, and by utilizing all staff in the supervision, security and treatment of offenders.

In August 1992, the Bureau's Instructional Systems Design Branch, in cooperation with the Human Resource Management Division's Labor Management Relations Section sponsored a Live video Desockast on the new Mater Agreement between the Aris Courcil of Prison Locals and the Bureau. The training session was broadcast via satellite from Derwer cot all Bureau facilities. During the live broadcast Bureau staff were able to telephone in questions regarding the program. The Bureau estimates that over 3,000 employees participated in the broadcast Under Initiatives in cost effective, distance training technologies confine. Current efforts includes correspondence courses, self-study courses, video courses and computer-based instruction. The use of non-residential training technologies (distance Learning) continued in 1992 with computerized certification tests being instituted for cross development courses exceeding 5,100; and the completion of over 6,500 cross development courses.

Program Changes: Population Increase. This increase provides \$832,000 for the additional immate record supplies and equipment resulting from a projected population increase of 8,257 from 76,460 in 1993 to 82,717 in 1994.

Activation of New Facilities. In FY 1994, the request includes 506 positions, 152 workyears, and \$22,562,000 to activate or expand facilities scheduled for completion during 1994.

Zacilities:	Estimated Activation Date	Institu	tion Admi	natitution Administration Os. Mr Ament	= 3	Staff Training	Amenni
Activation of New Facilities: Ft. Dix, N.J. (Low). (Acquired Facility) (1,600 beds). Hiam, F. Hoc (1,233 beds). Florence, CO FCC High (640 beds). Allenwood, PA FCC High (640 beds). Allenwood, PA FCC High (640 beds). Florence, CO FCC FCMin. Nam* (846 beds). Cumberland, NO FIC* (268 beds medium/256 beds minimum). Pakin, ILL FCI**(758 beds medium/256 beds minimum). Subtotsi, new Activations (4,113 beds).	10/93 1794 1794 9794 9794 9794 9794	:888,888	:888-444 <u>=</u>	20,8, 20,8,	: "mm : mmmmo	:··	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Attivation of Expensions: Attents, GA Detention Unit (422 beds) Ft. Worth, TX Long Term Care Unit (55 beds) Big Spring, TX Special Unit*(240 beds) El Reno, OK Special Unit*(240 beds) Subtotal, Expensions (507 beds)	6/93 1/94 9/94 9/94	%=°==	2018	1,603 1,314 37 2,981	-::=	-::=	\$55 : 1 55
Total, Activations (4,620 beds)		4.85	3	18,550	12	•	4,012

*Beds have not been included in the 1994 totals since these facilities will not accept immates until 1995.

The activation dates listed above are the best estimates available at this time. It is important to resember, however, that they are estimates and may be subject to change over the course of the project if imposted by uncontrollable events. To avoid delays in acceptance of immetes, it is necessary to staff facilities three months prior to activation, and equipment which requires long lead time is ordered six months prior to activation.

The changes to reflect targeted resource and workyear levels of the Administration are included in the Multi-Activity Program Changes Exhibit.

Federal Prison System
Salaries and Expenses
Assification of Multi-Activity Program Changes

							1994 Activations	Horse	The second secon				
	FT. DØX	ž	Miemi, FL MDC		₹ફ	Florence, CO Complex (High)		1	Allenwood, PA High	5	Allenv	Allenwood, PA Williac	2
Estimates by Program	Amount	Pos.	¥	Amount	Pg.	₩	Amount	Poe.	¥	Amount	Poe.	¥	Amount
hmale Care	\$9,874	77	8	\$4,822	42	23	\$4,164	42	23	297'7\$	•	0 .	101
Inmate Programs: Unit Management Inmate Programs	4,077	3 3	27	1,232	8 8	% €	1,968	8 8	8 5	2,808	6 10	-0	88
Sublotal	6,345	8	38	2,996	8	8	3,543	8	8	4,122	Ξ	-	98
Institution Security and Maintenance: Institution Security	6,271	8	101	6,270	139	7.	6,960	130	7	5,785	2	-	42
Institution Maintenance	3,061	35	9	2,047	6	-	2,610	6	=	2,776	a	•	12
,	8,332	2	8	6,317	94	•	6,170	94	5	089. 6	<u>~</u>	-	2
Contract Confinement.	•	•	•	•	•	0	0	•	•	•	•	0	0
hethuton Administration: hethuton Administration Staff Training	4.052 805	8 4 6	8-0	3,001	8 4 0	gac	4,042	800	gac	8. 9 8. 9 8. 9	۰00	-00	£ 0 0
	4,857	95	37	3,795	3	ਨ	4,939	3	78	700,4	-	-	31
TOTAL	20,408	388	222	19.930	341	180	20.815	341	180	21.743	98	r	187

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					1994 Activations	flore						
	-8	Florence, CO Complex (Admin)	Ê	ទួ	FCI Cumberland, MD	J. MD		FCI Pekin, ILL	7	õ	FCI Greenville, ILL	7
Estimates by Program	Pg.	₩	Amount	Pg.	¥	Amount	8	¥	Amount	Pos.	₩	Amount
ivmate Care	27	c	\$176	Ŧ	a	\$100	\$	a	20.2	\$	a	\$168
hmate Programs: Unit Management	8 8	ca -	127	8 8	α -	123	8 %	a +	123	\$ 8	α -	123
Subtotal	8	c	242	8	9	237	8	•	237	8	C	237
Institution Security and Maintenance: Institution Security Institution Maintenance	4.0	• 0	332	62.5	= 0	4 5	6 4	= 0	434	5 -	= 0	434
	160	9	462	193	5	25	183	13	98	103	5	999
Contact Confinement	0	•	0	0	•	0	•	0	0	•	0	•
hettuton Administration: hettuton Administration Butt Traffing,	800	₹00	\$ ä o	8	₩00	\$50	800	400	200	8 . 0	♥ 00	2 00
	3	•	212	69	•	ğ	3	•	200	3	•	\$
TOTAL	321	88	1.081	363	22	1,160	363	22	1.189	2	22	1.160

Justification of Multi-Activity Program Changes Confid

						1994 Activations	detava									_
	¥	Atlanta, GA		FL	Ft. Worth, TX	×	용	Bla Spring, TX	×	Ē	El Reno, OK	×	_			
	\$	Detention Unit		9	Term C	Long Term Care Unit		Special Unit	=	g	Special Unit	Ŧ	Tot	Total Activations	flore	_
Estimates by Program	Poe.	₩	Amount	Poe	¥	Amount Pos. WY Amount	BB	¥	-	Pas	₩	WY Amount	Pos.		WY Amount	
hmale Care.	12	٥	\$1,677	2	45	\$6,043	•	0	0	5	0	093	412		135 \$31,794	
inmate Programs: Unit Management.	ō e		36.	90	00 0	60 6	4.4	0 0	128	5,		22	38	2 5	11,107	
Subtotal	9	=	-063	9	4	200	•	0	37	F	1	2 5	1	-	1	
Institution Security and Maintenance: Institution Security.	Ş	80	1,283	•	۰	537	Ξ	-	5	8	~	67	-	• • • • • • • • • • • • • • • • • • • •	8	
Institution Maintenance.	e 3	0 3	2,089	0 0	0 0	2 8	0 <u>0</u>	0-	o <u>s</u>	3 2	0 %	23.0	1,367	38	38,301	
Contract Confinement	0	•	0	۰	•	0	۰	•	٥	۰	٥	0	۰	•	٥	
hettuton Administraton: hettuton Administraton. Staff Talning.	- 3	2-	1,803 269	ű o	• 0	1,314	6 0	-0	37	= 0	-0	22	25	<u> </u>	18,550	
Management and Administration	ဝဇ္တ	0 23	1,872	0 2	00	1,677	00	0-	330	0=	0-	230	ဝစ္ဆ	0 29	22,562	
TOTAL	85	2	6.701	F	12	9 368	32	~	12	1	┢	8	201 2.828	828	828 112 000	

Justification of Multi-Activity Program Changes Cont'd

	Population Contract	1	Administrative	į			•	Total	
Estimates by Program	Amount	Amount	Amount	8 8	WY WY	Pos. WY Amount	Por	WY W	Amount
nem enement of the second of t									
Inmate Care	\$17,184	0	(\$570	(\$65)	(\$65)	(\$4,105)	347	0,	\$44,303
Disease Programs:									
Unt Management		•	(250)	9	9	(000		72	11.963
hmate Programe	2,237	-	(154	ē	9	(450)	226	28	9.869
Subtotal	L	0	(413)	(91)	(16)	(1,050		128	21,632
Institution Security and Maintenance:									
Institution Security	1,634	0	(628)	(239)	(539)	(14,775)	910	8	12.794
Institution Maintenance	10,398	0	(246)	9	9	(338)	227	95	21,651
	12,032	0	(875)	(244)	(244)	(16,113)	1,143	2	34,345
Contract Confinement	٥	\$5,000	(22)	0	۰	0	0	0	4,978
Institution Administration:									
Institution Administration.	832	0	(340)	9	9	(338)	480	-	18,704
Staff Training	0	0	(67	0	0	0	22	•	3,955
Management and Administration	٥	0	150	(58)	9	(1,873)	(58)	000	(2,023)
	832	0	(547)	₹ (*)	(36)	(2,211	472	117	20,636
TOTAL	34,000	6,000	(2,427)	(358)	(389)	(22,479)	2,470	469	126,094

Federal Prison System
Salarles and expenses
Inancial Analysis — Program Changes

	er marktisster interekter ingestiskende gebas Advis dindheskusta for "seretis were marktiskende bede			eterral	Ha	Institution	Dethirtion Security	Contract	TACI	Inethirthon	orgon	Total	
	Item	Inma	Inmate Care	Programs	.	and Maintenance	tenence	S	Confinement	Admik	Administration	Program	Program Changes
	Grades	Pos	Amount	Pos.	Pos. Amount	Pos.	Amount	Pos	Pos. Amount	Q e	Anount	Pog	Amount
	GM-15	8	883	i	1		1	-	:	_	2466	16	\$1,085
	GM-14	!	1	į	1	1	1	1	1	©	(453)	e	(453)
	GS-13.	•	88	32	\$1,533	1	i i	1	1	1	1	\$	1.916
	GS-12	9	25	82	3,143	=	1993	1	1	8	1,631	-	6,883
	G8-11	147	4,943	192	6,456	37	1.244	1	1	-6	2,061	437	14,694
_	GS-10	•	18		1	1	1	!	1	!	1	•	3
	60-8D	~	195	₹ 2	4,166	1	!	i i	1	8	2,223	23	989'9
	08-08	6	82	i	!		5,787	1	1	1	!	នឹ	6,013
	GS-07	1	1 1	į	!	8	6,111	ł	1	173	3,930	442	10,01
	gs-08	8	632	į	!	\$	8888	1	1	5	1,247	512	10,467
	GS-05	:	1	\$	73.		1	!	1	!	1	\$	75.
	Unoraded	8	4,295	i	1	187	7,368	1	1	67	2,640	8	14,303
	Fed. Law Enforcement psy cost		1,675		2,234		4,155		-		9.		8,965
	AD Pay		!		!		1 1		1		:		!
	Control of the contro	200	14000	707	000	000	2000	4	-	04.7	900	0.770	900 90
	Least (-)	કે ફ	20,01	764	10,000	200	10,00	> <	5	1 6	20,000	2 50	20010
	(_) asrbo	100	70/1	5	19,929	3	11/0/19	-	5	8	2000	(m)	20,00
1.1	Workvears and Compensation	2	1.975	82	434	\$	6.248	0	(\$22		3,031	469	15.574
1.5	Other personnel compensation	^	448	က	ž	03	829	0	0	60	182	ង	1,492
	•												
	Total Workyears and compensation.	11	2,423	131	4,578	3	6,874	0	3	28	3,213	491	17,088
12.0	Personnel benefits		1.198		2,039		3,278		!		3,772		10,285
2.0	Travel and trans of persons		8		24		ž		1		3,193		3,718
8	Transportation of things		8		6		!		1		2,149		2,207
8	Rental payments to GSA		1		1		1 1		!		1		!
8	Rental payments to others				72		2,847		1		!		3,000
8	Comm, utilities and misc		1 1		!		200		1		1		40,40 640,40
24.0	Printing and reproduction		1		!		!		1		1		1
8	Other servic/s		10,110		1,419		1,326		2,000		2,469		28,323
8	Supplies and meterials		14,228		1,518		7,412		1		484.		2,58
31.0	Equipment		16,193		11,742		16,38		1		4,408		46,736
1	Grants, subskiles, and contracts		1 1		8		1		1		1		8
42.0	Insurance clains and indemnities		\$ 1 1		!		!		!		!		!
	Total Workvears and Oblig. 1994	11	44,303	131	21.832	3	34.346	0	4,978	8	20,636	164	138.004

ederal Prison System

Saluries and expenses

Status of Congressionally Requested

Studies, Reports, and Evaluations

The House Report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 1993, (House Report 10.2709) required that the Federal Bureau of Prisons finitiate a pilot program utilizing U. S. developed and sponsored dual gas recommendabile drug detection technology. The Bureau is initiating a lease of dual gas chromatographic drug detection technology. The Bureau is initiating a lease of dual gas chromatographic drug detection equipment to conduct a pilot test of this technology and will provide a report to the Committee upon completion.

The Senate Report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 1993, (Senate Report 102-331) directed the Federal Bureau of Prisons to provide an annual analysis of fiscal year 1992 newly awarded contracts which will compare the estimated requirements to actual usage at the end of the fiscal year. The Bureau is currently analyzing the contracts awarded in fiscal year 1992, and will provide a report to the Department by Narch 31, 1993.

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Federal Prison System Salaries and expenses Priority Ranking

	Base Program		Investments	
	Program .	Ranking	Program	Ranking
	Inmate Care	-	Population increase	-
	Institution Security and Maintenance	N	Activations	8
	Contract Confinement	6	Contract Confinement	е
	Inmate Programs	4		
:	Institution Administration, Management and Training	w		

1		٠	
3	٠		
	٠	١	г

Federal Prison System
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1992 -- 1994

	-	1		1994	
	1992	1993		Program	
Category	Authorized	Authorized	Baseline	Increases	Total
Attorneys (905)	67	67	29	0	67
Paralegal Specialist (950).	28	\$2	128	12	4
Other Legal and Kindred (900–998).	200	783	783	125	8
Correctional institution Administration (006)	1,300	1,347	1,270	37	1,307
Corrections officers (007)	10,377	11,037	10,405	1,002	11,407
Other Misc. Occupations (001 – 099)	420	473		65	514
Soc. Science, Econ. and Kindred (100-199)	1,592	1,744		181	1,664
Personnel Management (200 – 299)	800	851		8	865
General Admin clerical and office services (300 – 399)	1,493	1,437		102	1,463
Biological science (400–499)	6	n		0	6
Accounting and Budget (500 – 599).	150	817		8	864
Medical, Dental & Public Health (600 - 799).	1,954	2,052	1,900	203	2,103
Engineering and Architecture Group (800 – 899)	83	8	83	0	প্র
Information and Arts Group (1000–1099)	8	8	0	0	8
Business and Industry Group (1100 – 1199)	500	215	202	17	219
Mathematics and Statistics Group (1500 – 1599)	-	-	_	0	-
Equipment, Fiscilities and Service Group (1600–1699)	460	496	483	4	228
Education Group (1410 – 1411; 1700 – 1799)	902	781	732	105	837
Supply Group (2000 – 2099)	8	107	107	60	115
Ungraded (culinary, farm, mechanical & construction)	2,400	2,626	2,436	397	2,833
Total	23,461	24,990	23,390	2,470	25,860
Washington	875	988	840	0 6	8 8 9
U.S. rellummanamanamanamanamanamanamanamanamanama	000'7	Z4, 124	00c/77) ()	6
Total	23,461	24,990	23,390	2,470	25,860

Federal Prison System Salarles and expenses Schedule of motor vehicles

The second secon	1991		1992			1993			<u>2</u>	2	
Method of Acquisition	End-of-Year			End-of-		Γ	End-of-		Average		End-of-
and Type of Vehicle	Inventory	Acquired	Disposed	Year	Acquired	Disposed	Year	Acquired	8	Disposed	Year
Direct Purchase:											
Large sedan	20	8 3	9	\$	3	27	83		\$16,600	83	173
Midsize sedan	4	81	2	19	8	80	75	ਲ	15,400	*	8
Compact sedan	8	*	=	S	60	15	8		11,900	=	3
Subcompact sedan	1	1	!	0	1	1	0	1	!	1	!
Station wagon	35	9	7	84	=	=	24	9	15,800	5	8
Van 4x2	22	88	19	808	108	स्र	88	161	16,000	88	Š
Van 4x4	1 1	1	1	0	1	1	0	1 1	1	1	!
Truck 4x2. Util.	88	25	9	315	75	8	310	88	36,000	8	318
Trock 4x4 Util.	1	_	!	-	1	1	_	1	1	!	_
Bus, Interurban	4	3	1	94	8	€.	22	42	280,000	6	61
Bus, School Type	8	9	O	88	9	N	47	4	90,000	8	33
Soecial purpose:	1	1	!	0	1	1	0	1	1	!!!	1
Carvall, 4x4	8	8	7	28	KS	2	8	88	18,000	*	116
O. John	9	-	-	9	Q	1	80	n	28,000	Q	6
Trucks:			-10-1 A					*******			
Pick-up 4x2	524	191	109	909	158	115	649	210	12,000	8	82
Pick-up 4x4	113	8	17	58	\$	83	147	8	16,000	<u>e</u>	178
Subtotal, purchased	1,602	473	245	1,830	505	311	2,024	133	45,225	37.1	2,378
Leased:									•	,	1
Large sedan	₹	8	1	9	8	QI.	9	2	1	4	_
Odber	8	Ø	9	4	CV.	8	4	^	1	Φ.	1
Subtotal, leased	29	4	9	જ	*	9	6	12	0	9	91
Seizes or no cost excess:								,			,
Large sedan	1	~	1	N	N	1	*	*	1	N	0
Midsize sedan	1 1	1	1	0	1	1	0	_	1	1 1	_
Octo	E	83	81	8	ଷ	ន	83	88	1 1	81	8
Subtotal, seized	ਲ	88	8	8	8	ន	8	8	0	2	4
Total vehicles	069	203	273	1,919	531	3	2,108	22	46,226	\$	2,471

Federal Prison System Salaries and expenses Summary of Change (1993 – 1994)

ue i	Pos.	.w	\$(000)
1993 Appropriation	25,228	23,796	\$1,681,822
FY 1992 Carryover	0	0	40,000
Transfer from Crime Victims Fund	0	0	69,409
FY 1993 Permanent Pos. & WY Reduction	(238)	(240)	0
FY 1993 Transfer			(7,543)
1993 Availablity.	24,990	23,655	1,783,688
1994 Adjusments to base:			
Mandatory Increases:			
1993 Pay Annualization	0	0	12,781
Within-grade Increases (WIG)	0	0	12,161
Heath Benefits	0	0	4,393
Federal Insurance Contribution Act (FICA)	0	0	460
Accident Compensation	0	0	1,552
Unemployment Compensation	0	0	185
GSA Rent	0	0	1,408
Postal Equipment Purchases	0	0	342
Postal Equipment Rental/Maintenance	0	0	82
Postal Contract Services	0	0	360
Postal Under-reported Postage Use	0	0	654
GPO and Department Printing	0	0	37
Computer Security Disaster Recovery System	0	0	650
Employee Data and Payroll Services	0	0	185
Lease Expiration Costs	0	0	728
gPLA	0	0	18,146
Medical Costs	0	0	13,103
Population Increase (FY 1993)	0	0	13,452
Annualization of 1993 Program Increases:			
Manchester, KY FCI	0	92	9,173
Brooklyn, NY MDC	0	122	6,206
Florence, CO Complex (min-med)	0	105	15,652
Allenwood, PA Complex (medium)	0	231	11,739
Ft, Dix, NJ	0	202	12,523
Fairton, NJ Wasec Unk	0	16	1,789
Milan, Mi Deteration Unk	0	56	1,370
Total, Annualization of 1993 program increases	0	772	58,452
Total Mandatory Increases		779	130 211
			1001

Federal Prison System Salaries and expenses Summary of Change (1993 – 1994)

llem	Pos.	*YW	\$(000)
Decreases (Nonrecurring Activation Costs. PCS - Training. Travel):			
Manchester, KY FCI	0	0	(1,676)
Brooklyn, NY MDC	0	0	(1,174)
Florence, CO Complex (min-med)	0	0	(2,393)
Allenwood, PA Complex (medium)	0	0	(1,577)
Ft. Dix, NJ	0	0	(2,058)
Fairton, Witsec Unit	0	0	(133)
Milan, MI Detertion Unit	0	0	441)
Other Decreases - DOJ Data Service Charges	0	0	(1,800)
FTS 2000 Savings	0	0	(2,005)
Total, Decreases	0	0	(12,990)
Other adjustments to base	(1,600)	(1,586)	0
1994 Base	23,390	22,741	22,741 1,909,909
1994 Baseline	23,390	22,741	22,741 1,909,909
1994 Program Increases:			
Population Increase (74,460 to 82,717)	0	0	34,000
Activation of New Facilities: FT DIX NJ (4 600 bade) 10/03 (Faulanment I fillbles Other)	c	C	20.408
Miami, FL MDC (1.233 beds) 12/93.	368	222	19.930
Florence, CO High (640 beds) 1/94	34	184	20,815
Allenwood, PA High (640 beds) 1/94	341	184	21,743
Allenwood, PA Witsec Unit ** (54 beds) 9/94	36	6	187
Florence, CO Admin** (484 beds) 9/94	321	20	1,081
Cumberland, MD FCI ** (768 beds medium / 256 beds minimum) 9/94	363	22	1,159
Pekin, ILL FCI **(768 beds medium / 256 beds minimum) 9/94	363	22	1,159
Greenville, ILI. FCI ** (768 beds medium / 256 beds minimum) 9/94	363	22	1,159
SUCCIAL TIEW ACTIVATIONS (4,113 DECS)	6,490	8/0	90,041

Federal Prison System Salaries and expenses Summary of Change (1993–1994).

(lem	Pos.	*AM	(000)\$
Activation of Expansions:			
Atlanta, GA Deteration Unit (422 beds) 6/93	- 48	79	6,701
Ft. Worth, TX Long Term Care Unit (85 beds) 1/94	117	2	896'8
Big Spring, TX Special Unit ** (48 beds) 9/94		2	89
El Reno, OK Special Unit ** (240 beds) 9/94	7.	4	201
Subtotal, Expansions (507 beds)	332	149	15,359
Total Activations (4,620 beds)	2,828	828	112,000
Contract Confirment: Joint BOP/INS Private Contract (ADP 500 for BOP, 500 for INS) 1/4 year operation	0	0	8,000
Total, Contract Confinement	0	0	5,000
Savings: Administrative Savings	0	0	(2,427)
FTE Savings FY 1994	(358)	(329)	(22,479)
Total, Savings	(358)	(329)	(24,906)
Total, Program Increases	2,470	469	126,094
1994 Estimate	25,860	23,210	23,210 2,036,003

Excludes 127 Reimbursable workyears
 Partial Request, full Activation in FY 1995

federal Prison System Salaries and Koorness Justification of Adjustements to Base (Coll lars in thousands)

1. 1993 Pay Annuelization. This pay annuelization represents only first quarter emounts (october through December) of the 1993 3.7 percent pay increase effective in January of 1993 plus appropriate personnel benefits (88,564,000 pay and 84,217,000 benefits).		
	:	\$12,781
2. Within-grade inscenses. This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population with includes numerous factors such as anticipated par raises, adjustments to include 3-year attrition/separation raise, and career ladder series to reflect promotion policy for each organization. The request includes 88,142,000 for pay and 84,009,000 for benefits.	:	12,151
3. Annualization of 772 Additional Positions Approved in 1923.	E	58,452
for activations of new prisons. Approved Annualization 1993 Increases Regulard		
Annual salary rate of 1,914 approved positions		
596,01		
20,100		
2,646		
3,072		
Supplies and materials		
-		
fotal costs subject to amountization		

1,552

덬 :

1,408

5. <u>Exertal Insurance Contribution Act (CICA)</u> supplies any institute that the pay period after January 1, 1992, the base on which sanings for Social security sathlight in the payer indicate actualised and the same and the sanings of Social Security and Neath Insurance constitution as calculated for securated based on the increase in the base rate. 6. <u>Accident Componation</u> 7. <u>Unreadormalion</u> 7. <u>Unreadormalion</u> 7. <u>Unreadormalion</u> 7. <u>Unreadormalion</u> 7. <u>Unreadormalion</u> 8. <u>Emeral Committees reflects the builting provised by the Department of Labor for the actual costs in 1992 of appropriate provised by the Department of Labor for the actual costs in 1992 of appropriate the most recent conjugate arraw billings provided by the Department of Labor for semployees! varieties the most recent conjugate arraw billings provided by the Department of Labor for the security. The 1992 was until 11 be 315,000 over the 1992 base. 8. <u>Emeral Excipent Durchase</u> 9. <u>Postal Excipent Durchase</u> 10. <u>Postal Excipent Durchase</u> 11. <u>Postal Excipent Durchase</u> 12. <u>Postal Excipent Durchase</u> 13. And over the required increase of 31,400,000 is required to meet our committeent to advant and processing requirements cannot be done without the speciment of control of the Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Control of Department of Security and Department of Security and Department of Security and Department to Security and Department of Security and Department of Security and Department of Security of Department of Security of Department of Security of Department of Security Security Security Security of Department of Security Security Security Security Se</u>	:	:	:	:	:	:	i .	ŧ	
	5. <u>Federal Insurance Contribution Act (FICA)</u> Begining the first full pay period after January 1, 1992, the base on which earnings for Social Security and Health Insurance computations are calculated increased from 857,450 to 859,550 and from 857,450 to 8139,350, respectively. This increase of \$460,000 is computed based on the increase in the base rate.		7. Unstaloyment Compansation . redistribution. This increase reflects the most recent complete arrust billing provided by the Oppartment of Labor for employees' unsmployment compensation. Based on the actual billings, a redistribution of the Department's base is necessary. The 1994 amount will be \$185,000 over the 1993 base.		9. <u>Postal Equipment Purchase</u> The equipment purchase is necessary to comply with the U.S. Postal Service mandate requiring Federal agencies to convert to a direct accountability as the method of determining postage costs for Federal Government penalty mail. Complying with the direct accountability requirements cannot be done without procurement of electronic mail processing equipment for use at Department offices and facilities across the country and worldwide. This one-time increase of \$342,000 is for purchase of scales, mail processing equipment and contractor assistance.	10. Postal Equipment Rental/Maintenance. This request provides for the additional increase for the recurring, armual expenses for meter rentals (carnot be purchased) and equipment maintenance necessary for the conversion of Federal agencies to the direct accountability method of determining postage costs. An increase of \$82,000 is required.	The U.S. Postel Services directive requiring the Department to conform with the direct accountability method of settlering postese costs will require additional personnel needed to process mail at high-volume location only. The Department enfolicipates contracting this service. The requested increase of \$360,000 will be essential for the Department to assure continued and timely mail delivery.	12. Postal - Under-reported postage usage wortal Service for assessing postage of penalty mail are not the current sampling methods used by the U.S. Postal Service for assessing postage of penalty mail are not designed to provide a high teret of everal of practise manual experience of Federal agencies who have already converted to the direct accountability method, the Department's actual postage costs will increase by 32-percent to 53-percent.	This incresse is necessary despite cost containment messures implemented in the Department (e.g., presorting of outgoing medi, centralized meli room operations), as well as reducing the use of expensive, non-contract sources of urgent-delivery parcels. Estimates based on actual experiences and professional experience requires an incresse of 8654,000, a 25-percent incresse, which is well below that experienced by other agencies.

	i	
Government Printing Office (GPQ) and Department Printing. GPO and the Department are currently projecting a 3.7 percent increase over the 1993 printing and challesting costs. An additional \$37,000 will be required in 1994 for printing done either by GPO or the Department's duplicating facilities.	:	733
As required under the Computer Security Act of 1987 (p. 1, 100-235) and Own Circular A-130, the Department is implementing a system to provided disaster recovery for the Department's mission-critical Information processing. Under the disaster recovery and continuity of operation plan, Justice Data Center users will be able to continue to perform essential functions in the event that automated information systems are interrupted due to natural disasters, terrorist attacks, or other catastrophic events. As required, this aystem will reduce the Department's current vulnerability to losing a major portion of its mission-critical information processing, in the event that normal data processing operations are disrupted. The Federal Prison System is requesting a total of 850,000 in 17 1994 to cover equipment and telecommunications appearse for the computer security disaster recovery system.	:	050
Employee data And morrell services are provided to all Department organizations except the Federal Surseu of Investigation, 4 Viva-percent increase is needed to stay current with inflation, the increased use of the National Finance Center (MFC), and the confinuing level of systems support by the Finance Staff, Decentralising the functions of the Employee Date and Payroll Services is causing increased costs to process personnel and payroll date. An increase of \$185,000 will be required in 1994.	:	8
The Department has a large number of lease known to be expling in 1994. In many cases the existing leases may be removed but it is impossible to determine now how many and which ones will fall into this category. This increase includes costs for removations necessary to occupy new space (costs for communications, wiring for automated systems, additional electrical outless, etc.) and skiludes any increase in rent costs. GSA estimates that, historically, 30 percent of all expiring leases are removed. Therefore, the requested increase of \$728,000 includes 50 percent of the estimated relocation costs for known lease expirations.	Ē	8 2
And the request applies ONB pricing guidance as of June 9, 1992, to selected expense categories. The increased costs admitted the settle from a papiting guidance as of June 9, 1992, to selected expense categories. The increased costs admitted the prices that the dovernment pays are established of 31 percent estats system instead of by lew or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector. Printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1994 estimates. An increase of \$18,146,000 will be required in 1994.	÷	97, 16
Medical Costs: The Bureau of Prisons must contract for outside medical care when adequate medical, surgical, and The Bureau of Prisons must contract for outside medical facilities. The FY 1994 figure was derived by applying the U.S. Department of Labor All Urban Consumers (CPI-U) U.S. City Average for Hospitial and Related Services Index, this is the mean accurate inflationary index for the Bureau's outside medical care Durchases comsistent with the Department of Health and Ruman Services projection of the incress in health care costs. For FY 1994 an incresse of 8.3 percent or \$13,193,000 is required for outside medical care.	:	13, 103

19. FY 1993 Population Increase 5 23,452,000 is requested for subalistence and related support costs of the projected population forcess of 2,870 final 1993 from 71,500 to 74,640. These additional resources will enable the Federal Prison System to continue to provide for food, medical care, clothing, inmate transportation, security, unit management, education, recreation, paychology, records, and maintenance	18 :	보 :	\$13,452
costs associated with the projected population increase. Total Mandatory increases		E	139,211
Decreases (Automatic noncolicy): 1. Montresurring Costs This provides for a reduction of the one-time costs (Equipment, change of duty station, travel) for activating the new facilities approved in 1993.	:	:	.9, 165
1, <u>DOJ Data Charges</u> This provides for a reduction of \$1,800,000 for Justice Data Service Charges in order to tie to the 1994 projected level.	÷	:	.1,800
2. FIS 2000 Reduction. This decrease reflects recently compiled data provided to the Office of Management and Budget by the General Services Administration on FIS 2000. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The FY 1994 decrease is \$2,005,000.	:	÷	.2,005
Total Decreases.		:	.12,990
Uther Adjustments to sess: This reflects those workyears lapsed in FY 1992	-1,600 -1,586	38	:
Total Adjustment to Base	-1,600 -814 126,221	914	126,221

Federal Prison System Salaries and expenses Summary of Requirements by Grace and Object Class (Dollars in thousands)

COMMAND TO THE TIME TO THE TO THE PROPERTY OF THE PROPERTY OF THE THE THROUGH THROUGH THROUGH THROUGH THE THROUGH THRO	1992 Actuals	tuak	1993 Estimate	timate	1994 Reguest	ecknest	Increase/Decrease	Decrease
	Positions &		Positions &		Positions &		Positions &	and the second second second
Grades and salary ranges	Workyears	Amount	Workyeivs	Amount	Workyears	Amount	Workyears	Amount
ES-6 \$115,700	_		_		-		0	
ES-5 \$111 800	6		e		6		c	
ES-4\$107,300	^		^		^			
E8-3\$101,800	60		O O	4 t 1 1 1	· a		0	
E8-2 \$97,400	-		-		7			
ES-1 \$92.900	2		•		•			
QS/QM-15 \$66.609-86.589.	28		78		280		•	
08/GM-14 \$56 627-73 619	98		8		3		é	
09/GM - 13 \$47,920 - 62,293	8		830		Š		9	
GS-12 \$40.298-52.385	1,700		1822		1824			
08-11 \$33 623-43.712	3,500		3812	-	4		, §	
0810 830 80339,783	180	******	48		2		.	
08 -00 £27 780 - 36 123	200		2 877	-	0 740			
08_08 to 10 710	200	T muhan	200	-	100		3 3	
00 04 600 444 00 400	38		3		8 8		F	
00-07-07-07-07-07-07-07-07-07-07-07-07-0	3,0		0		000'0	dend more	8	
G8 - 06 \$20,443 - 28,572	2,78	***	1,972		2,368	••••	88	
08-06 \$18,340-23,839	9		28		888		8	
G8-04 \$16,393-21,307	20		8		8		Ξ	
GS-03 \$14,603-18,986.	5		=	***************************************	5		Ξ	
Ungraded positions	2,713		2.917	**************************************	3.092		178	
Total appropriated positions	23,461	\$730,091	24,990	\$643,187	28,860	\$907,482	970	164,206
Pay above stated annual rates	0	5.409	0	3.369	C	3.503	ō	25
Lapses	(3,315)	(80.415)	(1.861)	(47.418)	(2.776)	(84.382)	(1.216)	30 000
Savings due to lower pay scales part of year	0	(5,902)	0	6.564	0	0	0	8 564
Net full - time permanent	20,148	649,182	23,429	780,674	23,064	826.600	(346)	36.020
Other than permanent	8	9,370	28	8,245	28	099.6	0	1.415
Other personnel compensation.	830	81.752	689	65.067	9	88.364	5	3 297
Special personnel services payments		12,836		12,180		12,880	0	8
Total, workyears and personnel compensation	21,102	733,139	24,444	876,066	24,150	109,719	762)	144.14
A	MATE AND ANGELS	2000	***************************************	****	eres ince	000		
Average CS/CM Sales		(0,000)		() () () () () ()		(100,2001)		
Average QS/QM Grade		(0) a (0)	∀ nûn,s	3		(3K,48)		
Average Unorganat Salary		75 (2.0)		(27.820		(0.0)	-	
TOTAL COLOR OF THE		7 1217	man and an are and and	Tanal in		יים יים יים		Contraction on the constitution of

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	1992 Actual	ctual	1993 Estimate	timate	1994 Request	quest	Increase/Decrease	Decrease
	Positions &		Positions &		Positions &		Positions &	
Object Class	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 Personnel compensation;								
11.1 Full - time permanent	20,146	\$634,222	23,482	\$778,322	23,084	\$810,269	(398)	\$31,947
11.3 Other than full time permanent:							•	
Temporary Employment	74	2,500	74	4,947	7.4	5,670	0	723
Other part - time and intermittent employment,	52	3,870	52	3,298	52	3,990	0	692
11.5 Other personnel compensation:		***************************************						
Overtime		45,696	658	38,805	269	60,657	8	11,852
Other compensation	216	16,056	ā	28,262	243	17,707	27	(8,555)
11.8 Special personnel compensation	0	12,835	0	12,180	0	12,880	0	700
Total	21,102	718,179	24,497	863,814	24,150	901,173	(347)	37,359
12 Personnel benefits		261.310		308.132		333.807		25.675
		209	-	429		522		83
21 Travel and transportation of persons		31,928		44,318		46,997		2,679
22 Transportation of things		7,232		6,682		11,340		4,658
23.1 GSA rent		7,855		209'9		8,932		2,325
23.2 Rental payments to others		6,308		791	- Torontonia	7,324		6,533
23.3 Communications, utilities and misc. charges	****	25,625		66,617	***************************************	65,910		(707)
24 Printing and reproduction		3,526		686		4,043	•	3,054
25.1 Consulting services		11,683		12,641		14,410		1,769
25.2 Other services	-	254,799	***************************************	280,983		298,581		17,598
26 Supplies and materials		155,822		168,276		205,743		37,467
31 Equipment		45,213		28,352		111,298		82,946
		209	-	0		0		0
41 Grants, subsidies, and contributions		1,395		1,668		2,023		388
_	-	396		82		904		167
43 Interest and dividends		116		0		0		0
Total direct obligations		1,532,403		1,790,538		2,012,509		221,971

Summary of Requirements by Grade and Object Class (Cont'd)

the formation of a fine season of the season	1992 Actual	ctual	1993 Estimate	timate	1994 Request	ednest	Increase/Decrease	Decrease
	Positions &		Positions &	The state of the s	Positions &		Positions &	
Object Class	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11.1 Personnel compensation: Military		\$14,960		\$12,262		\$16,334		% ,082
Total workyears and personnel compen		14,960		12,252		16,334		4,082
Other Objects:			-					
12.1 Personnel benefits: Military		5,849		4,656		6,370		1,714
		188	**********	5		198		\$
22 Transportation of things		253		2 2		8 8		3 5
Total direct obligations. HHS Alocation		21.560		17,252		23,494	-	6,242
Total obligations Salaries and Expenses	21,102	1,553,963	24,497	1,807,790	24,150	2,036,003	(347)	228,213
Unobilgated balance, start - of - year		8		(88,502		(4,400		
Unobligated balance, end-of-year		68,502		4 8 0	1711	00		
Total Requirements		1,638,900	1	1,743,688		2,031,603		
Relation of obligations to outlays: Total obligations		1,553,963		1,807,790		2,036,003		
Obligated balance, start-of-year		212,906		197,348	-	311,302		
Obigated balance, end - of - yearAdiustments in expired accounts		(197,348)		(311,302)		(448,543) 0		
Outlavs		1,559,032		1,693,836		1,898,762		

Pepertment of Justice Federal Prison System Mational Institute of Correction Estimates for Fiscal Year 1994

	PAGE NO
Summary Statement	
Justification of Proposed Changes in Appropriation Language	
Crosswalk of 1993 Changes	
Summary of Requirements	
Base Comparison	
Justification of Program and Performance	
Reimbursable Resources	
Financial Analysis - Program Changes	
Detail of Permanent Positions by Category	
Summery of Change	
Justification of Adjustment to Base	
Summary or Requirements by Grade and Object Class.	

Federal Prison System National Institute of Corrections Summery Statement Fiscal Year 1994

permanent positions, 52 workyears and \$10,211,000. This request The Mational Institute of Corrections (NIC) is requesting, for 1994, a total of 52 represents a decrease of \$39,000 below the 1993 Appropriation anticipated.

the mission of the NIC is to work with Federal, State and local governments to assist them in developing and training corrections staff, to conduct support research regarding ways to improvements in corrections.

The Mation's correctional systems are experiencing unprecedented growth and crowding with no indication of slowing in the foreseable future. While public policymakers tend to focus on prisons and jails, probation and parole systems are experiencing the greatest growth. In fact, these organizations are showing the greatest growth both in absolute and percentage numbers. For example, between 1955 and 1991 offenders on parole increased by Transcent. By the end of 1990, 2.67 million offenders were warrestriated and prison populations and never some than 20 million with this astounding growth statistic. Jail and prison populations continue to rise. Between July 1900 and June 1991, there were more than 20 million will admissions and releases. The Jail inmate population grew from 158,000 in 1978 to 426,000 in 1991, nearly a 170 percent increase in 13 years. During the last decede, the inmate population in State and Federal prisons has increased 149 percent from 330,000 in 1980 to over 823,000 in 1991, adding 967 irmstes each week.

In responding to this overwhelming growth, State and local correctional agencies have launched major jail and prison building programs to house the burgeoning offender population. Batween 1982 and 1993, states have increased their budgets cumulatively by 316 percent. Nearly 105,000 may prison beds are currently under construction. Local jail systems have increased their capacity by 5,400 may beds which were brought on-line in 1990, and an additional 3,730 beds have been added through renvation projects. The last Bureau of Justice Statistics census (1980) on jails indicated that local fursidicipated adding over 117,000 beds during the same period. In 1992-1993, 112 may facilities and almost 76,000 new beds will be added. Also, 23,838 may employees will be added to state and federal correction departments nationwide. Despite these efforts, jail and prison populations are and will continue to be alarmingly over capacity.

Without NIC's continuing assistance and leadership in providing relevant training and responsive intervention, the deficiencies that plague State and local correctional agencies (i.e., insufficient training of staff) will be exacerbated during a period when prisons and jails are experiencing urprecedented growth, crowding and diminishing resources with no relief in sight for the foreseeable future.

The services performed by NIC are used for the delivery of services to the corrections community. This is possible because NIC has implemented several resources made available to NIC are used for the delivery of services to the corrections community. This is possible because NIC has implemented several cost saving initiatives. For example, NIC contracts with private vendors to operate its clearinghouse function and perform certain accounting activities; enters into agreements with State and local governments through the Intergovernmental Personnel Act (IPA); and uses consultants to deliver technical assistance and provide training. The use of the IPA and consultants provides NIC flexibility to expand or decrease its staff as program requirements dictate, without the attendant long-term fiscal commitment.

federal Prison System Mational Institute of Corrections Austification of Proposed Changes in Appropriation Lenguage

The 1993 budget estimates include proposed changes in the appropriation language listed and explained below. Hew language is underscored and deleted matter is enclosed in brackets.

Mational Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a Mational Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, [810,250,000]... to remain available until expended.

(18 U.S.C. 4351-4353; Department of Justice and Related Agencies. Appropriations Act. 1993)

Explanation of Changes

No substantive changes proposed.

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	1993 Pre-	993 President's udget Reguest	Appropri	prietions on Regies	Congressional Appropriation Actions on 1993 Reguest	۰. 🗪	ermanent Position nd Workvear Reduction	A A	Antis	1993 Appropriation As Anticipated	
Activity/Program.	200 74	Pos VI Amount	8	덞	Pos MY Amount	Pos	덫	20	털	Pos W Amount	
National Institute of Corrections	53 53	53 53 \$11,055	:	÷	. \$805	.	.	25	25	52 52 \$10,250	

Congressional Appropriation Action. Congress provided funding that was below the base of \$10,535,000 identified in the 1993 justification to the Congress and slightly above the \$10,221,000 enacted in 1992.

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Decreese
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1994 Boot I'm.
1992 Actual Acticinated
Amend Per
58 99,062 52

Mational Institute of Correction Rational Institute of Correction Rase Comparison

	A A	1993 Appropriation Anticipated	5	7	1995 Bate	亅	\$	100	1995 Besel ine	Increase/Decress	8 0 /88	
	E 8	렃	Perm. Pos VI Amount	Pers. Per MI Amount	렃	Mesuni	8	Ħ	Pern. Pos VI Amouni	8	봌	Perm. Ese IX Amount
nal Institute of rections	25	25	\$10,250	25	2	52 52 810,763	2	2	52 52 810,484	:	:	

The 1994 beseive level would allow the institute to provide approximately 30 training seminars in traditional disciplines such as correctional management, trainer development as special issue seminars in the areas of julicial prisons and contextions are approximately 20 technical essistance grants in the areas of intermediate seminars period and probation, prison correctional management, juli supervision and objective juli classification; and fulfill 600 short-term technical assistance requests. The baseline would limit the number of grants the institute could eased in the progress development area.

Other necessary reductions would be in the areas of communications, printing and other services.

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Rational Institute of Corrections (4NICO5)

Apple Remea Goal: Provide leadership in moving corrections towerd greater professionalism; develop national policies from the guidence and coordination of bodes a species and initiatives affecting corrections; serve as a national center to which State and local correctional species can turn to receive manny different types of sestatence; and serve as a source of correctional information and knowledge about correctional programs, policies, planning standards, and precises.

19C GOINGLIVES

To sesist in the improvement of State and local jell operations nationwide so they may become more humane, fair, efficient, effective, and comply with legal requirements.

to strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

promoting a safe, humane, and To increase the effectiveness of correctional programs by expending the use of alternatives to incarceration and constitutional environment for those offenders who must be incarcerated.

To devatop the capecity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

<u>Base Program Description</u> in an effort to increase coordination, raduce duplication, and upgrade State and local corrections, the Mational Institute of forcections has initiated several services. For the MIC Advisory Soard, and conducting frequents meetings between Federal agencies, placing representatives of several Federal agencies on the MIC Advisory Soard, and conducting frequents meetings with respectives from the entire apertum of correctional practices. An annual plans agency the Advisory Soard, after which the MIC staff develops a program strategy utilizing training, technical assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

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ACCOMPILIAMENTS and Workload: Accomplishments of the Mational Institute of Corrections program are presented in the following table:

1994 Estimate	100				-	•
1883	8	2	8	કુ	400	9,70
1892	8	2	856	§	.360	8,700
1881	102	ន្ត	ã	20%	1,402	16,010
<u>.</u>	cation papers processed	s and contracts awarded	ical assistance requested	ical assistance provided	ing participants	metion requests processed

With Institute implemented under its new contract a new method of counting requests. Requests counts are now based on individuals rather than subject matter requested.

During 1992, the National Institute of Corrections ewarded 43 grants and contracts to State and local correctional assercies, organizations and individuals to carry out its aimston. The Institute responded to 605 requests for technical assistence from State and local agencies in all 50 certacts, and the District of Columbia. Training was provided to 1,560 menagers, administrators, and staff trainings at the National Academy of Cerrections. Due to the implementation of some new strategies, i.e. audio and video conferences, the Institute was able to deliver training to an additional 3,187 individuals in certain subject seas. Also, training was delivered to an additional 455 individuals based on funding provided through reliables arrespondents with 0,40Pp 8.44 and 80Pc. The MIC Information Center responded to over 8,700 information requests from Federal, State and local practitioners, due to more widespread marketing of the Information Center services.

Although funding has not been appropriated to provide foreign technical assistance, the institute has assisted the following foreign countries by disseminating information and eccompanying foreign representatives on tours of U.S. prisons and jails:

- · Ireland · Provided information on prison privatization

- Romania Toured information center
 Great Prittin Provided information on direct aupervision and toured the U.S. jails
 Canada Provided information an AIDS policy
 Hetherlands
- Spain Tour of Georgia's penal system
 Australia Tour of jails and provided information on privatization
 Japan Hosting two researchers
 Krepetine Briefing on MIC services
 Korea Briefing and tour

Perm.
ate I Amount
T ME C
1994 Estimate Perm. Pos. M. Amour
Amount
Perm. Per M

Amount

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1886/Decresse

Progrem Changes:

A program decrease of \$273,000 is required to reduce administrative expenses, to assist in controlling the Federal deficit, and improving the Federal government's administrative productivity. :27 : 52 \$10,211 2 \$10,484 25 Hational Institute of Corrections..... 52

This reduction will require MIC to prioritize the demand for services and the ability to provide them in the areas of technical assistance, training and progrea development. Montheless, the MIC will confine its efforts to improve and strengthen, jail, prison and community corrections operations increase the affectiveness of correctional programs by expending the use of alternatives to incarceration; respond to information requests; and upgrade the skills of corrections personnel.

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Mational Prison System
Mational Institute of Corrections
Reinburshie Resources
Summery of Resources
(Ootlers in thousands)

	1992 Ac.	33	AMOUNT	183	1993 Estimate Pos MI Amoun	100	1994 Request Pos MI Amount	N. N. N.	AMOUNT	Pos M	MI Amount	TO THE
Mational Institute of Corrections	:	:	£73	:	8798	87.78	:	.: \$ 78	8 78	:	:	ä

Justification of Increase/Decreases

The relaburements to the National Institute of Corrections (NIC) are related to providing training and technical assistance to juvenile justice administrators and practitioners; and planning, developing and delivering training programs for the Bureau of Prisons staff.

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Retional Institute of Corrections
Financial Analysis - Program Changes

	:	:::	:::		::	:	::	:	:	į
										al and obligations changes requested, 1994
						rous changes				
				Ings		ties and miscellan				1994
Litera	Personnel compensation	Personnel Benefits	fravel	Transportation of Things	Rental Payments to Others	Communications, utilities and miscellaneous changes	Printing	Other services	Supplies & materials	Total and obligations changes requested,

Hational Intitute of Corrections
Patall of Permenent Positions by Catesory
Fiscal Years 1992 - 1994

	1992	1993	1994
Category	Authorized	Appropriation Anticipated	Request
Correctional Institution Admin. (006). Personnel (200-299). General Administration, Clerical and Office Services (300-399). Accounting and Bery (300-399). Afternay (90-4). Atternay (90-4). Business and Industry (1102).	24 54	%v 54	20 BA
Total	53	52	52
Vashington. U.S. Field.	\$\$	28 24	8.2
Total	88	8	×

ations Institute of Correction

		Work.	AMOUNT
1993 Appropriation Enected	æ	æ	\$10,250
FY 1993 Permanent Position/Norkyeer Reduction	· •	-	:
1993 Appropriation As Anticipated	ĸ	¤	\$10,250
Nandatory Increses:			
1993 Pay Amuellestion	:	:	2
Within-grade increases (VIG)	;	:	2
Health benefits	:	:	~
Federal Insurance Contributions Ac (FICA)	:	:	_
Government Printing Office and Department printing	:	:	^
Computer security dissater recovery system	:	:	~
General pricing level adjustment	1	1	3
fotal, mandatory increases	:	:	52
Decresses:			
F18 2000 reduction	:	:	÷
Savings to achieve deficit reduction targets	÷	:	2.
1994 Base	۳	۴	10,484
Program Changes	••••	1:	. T.
1906 Begungs?	P	p	118 91

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Sept

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1993 pay annual itation represents only first quarter amounts (October through December) of the 1993 B.7 percent pay increase effective in January of 1993 plus appropriate personnel benefits (\$24,500 pay and \$10,500 benefits). Mendatory incresses

Withinstade Increases.
This request producted the aspected increase in costs of within-grade increases. This increase is based
on an eccurate, dymanic model of the Department's employee population which includes numerous factors such as
enticipated pay raises, adjustments to include three-years attrition/asparation rates, and career ladder saries
to reflect promotion policy for each organization. The request included \$20,300 for pay and \$8,700 for benefits. ∻

Mealth Benefits
The Federal Employees Benefits Act (P.L. 93-246) provided that the Government's share of health Insurance would
be 60 percent of the total rate commercing in 1975. The requested increase of 87,000 provides funds for actual
increased cost from pay period 2 to pay period 3 of 1992 projected for a full year.

focted Insurance Contributions Act (FICA) seemed as the base on which servings for Social Security and Seemings the first full pay period after January 1, 1992, the base on which servings for Social Security and Kealth Insurance computations are calculated increased form \$57,450 and from \$57,450 and from \$57,450 to \$139,350, respectively. This increase of \$1,000 is computed based on the increase in the base rate. .

Sovernment Printing Office (GPO) and Department Printing (GPO) of the POST printing and duplicating costs of SPO and the Department are currently projecting a 3.7 percent increase over the 1993 printing and duplicating costs of \$16,000. An additional \$7,000 will be required in 1994 for printing done either by GPO or the Department's duplicating facilities. š

<u>formuler Security Dissater Recovery System</u>

As required under the Computer Security Act of 1987 (P.L. 100-235) and ONB Circular A-130, the Department is implementing a system to provide dissater recovery for the Department is aliasion-critical information processing. Under the dissater recovery and continuity of operations plan, Justice Data Center users will be able to continue to perform essential functions in the event that automated information systems are interrupted due to natural dissaters, perform essential functions of the example. As required, this system will reduce the Department's current vulnerability to losing a major portion of its mission-critical information processing, in the event that normal deta processing operations are disrupted. The MIC is requesting a total of \$5,000 in fr 1994 to cover equipment and telecommunication expenses for the computer security dissater recovery system. ø

Retional Institute of Corrections Justification of Adjustments to Base

Amount

\$4.39 the	828		vices i is an r re-		-589	
7. General pricing layer adjustment. This request applies the pricing guidance as of June 9, 1992, to selected expense categories. The increased costs identified result from applying a factor of 3.1 percent easing those subobject classes where the prices that the downment pays are established through the market system instead of by law or regulations. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1994 estimates.	Total, mandatory increases	Decreases: 1. <u>[15.2000 Reduction</u>	This decrease reflects recently compiled date provided to the Office of Management and Budget by the General Services Administration on FIS 2000. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings consistent with the President's commitment regarding administrative cost reductions. The 1994 decrease is 10,000.	2. Savings to schieve deficit reduction targets	Total Decreases	
_						

	a	LY OF	Recultering (00)	Esmery of Requirements by Grade and Object Class (Doublers in thousands)	60 90 90 90	st cless			
	Position &	Amount	Position & Mag	Line te Amount	Position Morkware	1994 Estimate Position & Morkware Amount	Post rion Workvers	Incress/Recress Position &	
188-3, 8111 000. 68/04-15, 46, 609-06, 589 68/04-15, 46, 609-06, 589 68/04-13, 854, 627-75, 619 68-11, 833, 623-43, 712 68-11, 833, 623-43, 712 68-9, 827, 789-26, 132 68-7, 822, 717-29, 530 68-6, 823, 643-26, 550	-anomn-and		- คนฉินพ- คน <i>ง</i>		-anmun-and		:::::::::		
Total, appropriated positions	, =	\$2,450	, <u>z</u>	\$2,106	° ¤	\$1,854	: :	žsa	1
Fay above stated errual fates.	::	≥ :	::	` :	::	::	::	? :	
savings due to lower pay scales for part of Yest	:	ş	:	÷	፥	:	:	ĸ	
Het full-time permenent	£	1.63	23	2.090	×	1.654	444	. 23.8	
Temporary employment	•	8	:	8	÷	٦	:	÷	
Other compensation	:~	≂≅	: :	≂.28	:	<u> 2</u>	: :	ដុ	
Total, workyears and personnel compensation	8	2,776	25	2,378	25	2,111	:	.268	
Average ES Salary Average GS/GM Salary Average GS/GM Grade	3 33	(\$108,300) (\$35,415) (10.7)	Č	(\$111,800) (\$36,723) (10.7)	<u> </u>	(\$111,800) (\$36,723) (10.7)			

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federal Prison System	Hatlonal Institute of Corrections	of Requirements by Grade and Object Class	(Dollars in thomsonia)
	Matien	COMPLY OF REG	

		1992 Actual		1993 Estimate		1994 Estimate	•	Incress/Decress	K
Selec	Object Class	Verkvaara	Amend I	Morkveare	Amount	Vorkyeere	Amend	Mockymens	A POST
	full-time permanent	200	\$2,437 93 246	% :	\$2,090 80 209	% :	91,854 71 186	::	\$. \$
22222	Total, workvare and personnel compensation. Personnel Benefits Travel & transportation of persons Transportation of things.	8	\$2,776 \$16 \$75 \$2 \$4 \$4	25	12,379 666 866 142 142	8	28 25,24 25,24 25,24 25,24 26,26 26,		3 2 2 2 2
:? 2	Communications, utilities and matestaneous charges. Printing and reproduction. Other services. Supplies and materials. Grants. subsidies, and contributions		. 5858 5858 5858 5858 5858 5858 5858 585		. 525°, 525°, 525°,		==£325	,	. ++&++
	Total obligations	89	8,309 146 2,058	æ	11,510 2,058 798	*	115,01 857.		&
8 9 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Total requirements		10,221 8,309 6,740 4,28		10,250 4,428 -9,244	·	10,211 9,244 10,500		
Š	Outleys		10,621		6,694		8,886		1

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Justification of Proposed Changes in Appropriation Language	
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Summery of Resources.	
Justification of Program and Performance:	
New Construction.	
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Buildings to: Facilities Estimates for Fiscal Year 1994

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Department of Justice Federal Prison System Enderal Prison System Evildings and Escilities

SUMMERY STREET

Figgal Year, 1994

The Federal Prison System (FPS) is requesting a total of 320 positions, 317 workyears, and \$276,650,000 in 1994 for Buildings and Facilities. This request represents a decrease of 13 positions, 1 workyears, and \$62,375,000 from the FY 1993 Appropriation Anticipated.

The mission of the Federal Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming lear-abiding citizens. The Bureau is responsible for approximately \$300 Federal inmates in community corrections centers, contract detention centers and other contract facilities. As a result of Nurricane Andrew's demage to Missi and Homestead, the institutions were closed in August 1992. MCC Missi, Floride was rededicated on February 23, 1993, and will be able to resume its intended mission by gradually increasing its inmate population until it reaches full operating level. The reopening of this institution was accomplished 30 days ahead of schedule.

There are three major appropriations for the Federal Bureau of Prisons: Buildings and Facilities; Salaries and Expenses; and National Institute of Corrections. The purpose of the Buildings and Facilities appropriation is to enable construction of a safe and secure environment which provides an acceptable servel of privacy and a complete range of programs and activities for improving offenders capabilities to achieve complete range of programs and activities for improving offenders capabilities to achieve crime-free lives, and to maintain activiting facilities thereby protecting capital investment. Hence, the Buildings and Recitities appropriation has two decision units, (1) New Construction and (2) Modernization and Repair. The request for funding to accomplish major initiatives are summarized under each decision unit.

One of the most serious problems the Bureau of Prisons must address is overcrowding. Thus, the Bureau of Prisons has analyzed the projected inmate population to determine long-range facility needs by security lavel, and has prepared the 1994 request using these findings. .

During the past year, there has been a change in "rated capacity" to fully include "double bunking". In the past, "double bunking" was considered as a stemporary solution to overcroading, but it did not change the "rated capacity". Now, however, it has been officially included in the "rated capacity" attendances attending the present its persenting as 1904 request which incomporates both classification/designation and rated capacity changes. These changes are intended to bring us closer to our goal of operating at 100% of rated capacity. The Bureau of Prisons is also building larger institutions and complexes which will result in a more cost effective utilization of resources.

The Bursau of Prisons has fully reviewed the status of construction on every previously-funded project. In addition, Bursau personnel resvaluated those projects for which 1993 site and planning funding has been provided to determine if construction monies could be obligated in 1994 or whather the construction funding requested managed in the 1994 request should be deferred. As such, not all new construction funding is included in the 1994 request for projects initiated in 1993. The Bursau has Italied its request to the highest priority projects. The projects for which funding is requested will allow PPS to maintain the mecassary capacity expansion to keep pace with inmate population growth.

HIN CONSTINCTION

The Federal Prison System is requesting a total of \$155,954,000 and a decrease of 5 positions and 5 workyears for new construction.

funding for two for sentenced Federal offenders, the Bursau is requesting \$83,580,000 for 1994. As illustrated in the tables below, \$74,600,000 provides for full of a low security facility at fort Devens, Massachusetts (Morthesst region). Also included in the request for sentenced offenders is \$3,980,000 expansion projects consist of two Special Mousing Units at FCI Dublin (\$1,980,000) and FCI Lexington (\$7,000,000). The U.S. Marshal Service (USMS) has requested that the Bureau of Prisons provide detention facilities through the construction of new detention centers and the expansion or establishment of detention units at existing federal prisons in locations where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For 1994, the Bureau is requesting \$59,300,000. Site and planning funds are requested for the Middle District of Florida (\$20,000,000). Also requested is \$20,000,000 to obtain critically needed bedspace for the USMS increased detention population, via 19 Cooperative Agreement Program (CAP) agreements with non-federal institutions, which will provide 687 guaranteed beds in State and local facilities.

The Bureau requests \$10,300,000 to construct a 250 bed Service Processing Center (SPC) in Buffalo, MY for the Immigration and Maturalization Service (IMS). SPC Buffalo will provide 100 beds to be used as detention space for IMS' Buffalo, Vermont, Cleveland, and Datroit districts. In addition, USMS will be provided 150 beds to help alleviate the shortage of pretrial detainee bedspace in the Northeast. The IMS will be responsible for the facility's operation.

In addition, \$14,074,000 is required to provide work programs through the construction of new factories, and a decrease of 5 positions and 5 workyaars are included to achieve the administration's deficit reduction target.

Sentenced New Construction	90	Vork'	Amount (000)
Ft. Devens Facility (Low security)	•	۰	\$74,600
<u>Sentenced Expansion</u> FCI Oublin (name change from Plessanton) - Construct Special Nousing Unit	00	••	7,000
Patention May Construction Middle District of Florids Phoenix - Construct Detention Center	00	••	8,000 8,000
Detention Coppetix for INS/USMS			
SPC Buffalo CAP Programs (USHS).	٥9	0 9	10,300
Subjotal	•	0	141,850
Irmate Vork Programs. Savings to achieve Deficit Reduction Target.	- ସି	ବସ୍ତି	14,074
Total, New Construction.	3	3	155,954

90,

m

Modernization and Aspair of Existing Facilities

The BQP has an ongoing program for the replacement and/or rehabilitation of obsolete structures and plant facilities. Hore than 50 percent of BQP facilities are over 30 years old. Moreover, prison facilities are subjected to heavier than normal use. Each year several high priority projects are identified by field facilities. Their projects are than malyzed and ranked, and only the most critical have been included in the 1994 request. The Bureau of Prisons is requesting \$120,896,000 for modernization and repair of existing facilities. In addition, a reduction of \$303,000 is required to achieve the administration's deficit reduction target. This includes the following:

Amount (000's)	89,807 3,381 15,883 1,804 1,826	32,701 88,488 (100) 70,000
Work.	၀၀၀၀ ရ	• • • •
782	00009	o od o
	General Improvements Rajor Renovations Utility Improvements Hazardova Vaste Energy Savings	Renovation projects less than \$500,000. Savings to achieve Deficit Reduction Target. Total, Nodernitation and Repair.

Provided further, That not to exceed \$20,000,000 shall

\$276,650,000

Federal Prison System

idings and facilities

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

for planning, acquisition of sites and construction of new facilities; [lessing the Otlahoma City Airport Trust Facility;] purchase and acquisition of facilities and remodaling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and for constructing, remodaling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, [8339,255,000] A. Lo creamin and equipping necessary buildings and solutions including this appropriation; Provided further, that not to acceed to per centum of the funds appropriated to resultidings and facilities! In this act or system upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Sense in complexed further, That not to exceed (\$816,000,000), shall be evailable to construct area for Immate work programs.

18 U.S.C. 4003, 4009, 4010, 4013 (a) (4), 4042, 4123; Department of Justice and Related Agencies Appropriation Act. 1993,

\$14,074,000

be available for the Cooperative Arrement Program
(CAP). Provided further, that in addition not to exceed
\$16.000.000 from woblinated belences shall be available
for the CAP produced. Provided further, that whiles a
for the CAP produced works askinon 60% of this Act
sadmitted to the Committee on Approach 60% of this Act
sadmitted to the Committee on Approach 80% of this Act
sadmitted to the Committee on Approach 80% of this Act
state or local sovernment for the housing of feetal
prisoners and detainess when the cost per bed space for
such cooperative agreement exceeds \$25,000
must remain in effect for no less than 15 years.

Explanation of Changes:

funding for the Cooperative Agreement Program, formerly part of the Support of United States Prisoners Delegate, is being requested in the Bureau of Prisons! Building and Facilities Account. Administration of the CAP Program will reasin the responsibility of the USHs. The transfer of CAP funding to BOP would allow for easier transfer of funds between various forms of detention space acquisition and provides a more stable level of CAP funding. The Support of United States Prisoners account will be relamined from the Building and facilities Account for program costs associated with Cooperative Agreement Program for construction,

There will be no lease obligations for the Oklahoma City Airport Trust Facility in FY 1994. It is expected that these obligations will begin in FY 1995 at which time it will be re-inserted into the Language.

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Esderal Prison Byatam Buddinga and Facilities Crosswak of 1993. Changes Dollara b. Thousands

														1883	
	<u>-</u>	993 President's		Congress	Congressional Apparopriation	pretton				94.3	Permanent Position	ě	₹	Approprietton	8
	•	Jegel Request	Ŧ.	Actions	on 1983 Rec		RepA	eprogrammings		and Work	d Workyeer Reduction	netpu		A the parte	đ
Activity/Program	8	¥	WY Amount	8	WY	WY Amount	2	¥	Towar.	ş	WY Amount	Amount	ē	¥	Amount
1 New Construction	8	101	101 8189,496	•	-	8,407	٥	•	•	2	2	٥	ē	3	0 . 201 199 8191,803
2 Modernization and Repart of Existing Facilities	*		140,720	3	=	(14) (2,407	•	0	0	0	0	٥	132	123	120 147,322
Total	348	334	339,225	9	E:	0	0	0	0	3	9	0	333	916	339.828

Congress reduced the overall 1993 B&F base by \$6,986,000. BOP applied the reduction equally to both decision units, (\$3,493,000 each).

Modernization and Repair (M&R) was further reduced by \$33,671,000, and then increased by \$34,757,000 for activation equipment, resulting in a net reduction of \$2,407,000 to M&R.

New Construction was increased \$5,900,000, offsetting the \$3,493,000 reduction, for a net increase of \$2,407,000 from the 1993 President's Budget Request.

5

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Adjustments to beas.	# 4	YAKE AMOUN
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IN DENTEMBRICATION OF THE PROPERTY OF THE PROP	326	522 102,572
		325 322 102.572

	-	2	1992 as Enected 1992 Actual	9	92 Act	3		2 5	red fed	=	2	1864 Baseine		¥ E	1984 Endmate Ingresse/Decress	BU	é	200
Estimates by fludget Activity:	Perm.	XX	Perm. Pos. YYX Amount		KX	Perm. Post. WX Amount		Ä	Perm. Bas. WY Amelud	2 2	¥	Perm. Pos. YXX Asroual	F 4	XX.	Perm. Eds. M.Y. Amounti Eds. M.Y. Amounti	Para Para	Ħ	lono and
New Construction	25	₹	204 181 284,666	ž	ž	377,728	ē	3	191,903	204 154 377,726 201 188 \$181,803 201 201 \$14,074 196 196 \$155,854	٤	\$14,074	Ī	ž	\$155,954	(5) (5) 8141,880	ē	000
Modernization and Repair	ž	3	156 150 173,424	\$	Ξ	156 117 100,131	132	2	147,322	132 129 147,322 124 121 68,496 124 121 120,896	2	88,488	184	2	120,896	٥	9	0 632,366
Total	95	¥	360 341 482,090 360 271 477,859	380	271	477,650	33	=	339,225	333 318 339,225 373 322 102,572 320 317 278,850	325	102,572	33	317		(5) (5) 174,278	100	174,278

Exitation System Pulidings and facilities Austification of Progress and Pariorisance Activity Resource Summery (Dollers in Thousands)

A <u>CLIVIII</u> : Buildings and facilities	1993 Pos.	Approprietio	93 Approprietion Anticipated 6. WY Amount	73	994 Baseline VY Amou	Amount	Pos.	¥ 685	994 Estimate UT Amount	Pos.	77 M	Medit
New Construction	25.5	5 21 <u>2</u>	\$191,903 147,322 339,225	2 2 2 2	ā ন হ	814,074 86,498 102,572	250 320 320 320	<u> </u>	1155,954 120,896 276,850	୍ଦି ବ୍ୟନ୍ତି	ଚିକ୍ତି	32, 379

This budget activity includes resources for the pcimary mission of the Federal Prison System. Funds requested for this activity are used to maintain the Federal Prison System to meet its primary mission, in order for the Prison System to meet its primary mission.

	Anti-		Anticipated	8	5	1994 Bassline 16. VT Amount	Pos.	¥ 68.	1994 Estimate os. VT Amount	S.	07445	Dersass/Decress os. V7 Amount	
Kew Construction	50	2	201 189 \$191,903	ē	201 201	Ę.	\$	\$	194 194 195,954	3	ê	(5) (5) \$141,860	

LONG RANGE GOAL :

Provide sefe, humane enviconments for both immates and staff, which meet the basic human needs for privacy and dignity, which support voluntary programs of self-improvement that propers inmates for their eventual release into the community, and which minimize the often corrosive effects of institutional confinament.

Expand the capacity of the Bureau of Prisons to keep pace with projected increases in the Faderal inmate population and simultaneously reduce prison overconding to an acceptable level.

to provide jall space for Federal prisoners by funding selected State and local governments for renovation and construction of detention facilities.

MAJOR OBJECTIVES:

Review BOP capacity requirements.

tocate and acquire suitable, surplus facilities as an alternative to prison construction.

Locate and acquire suitable sites for new construction.

Prepare design programs and concepts for new facilities, including new housing units.

Construct new federal prisons and detention centers and expand existing federal prisons as required.

Undertake a leasing program for a new federal prison.

To encourage State and local governments to house U.S. Marahal detainess and to ensure that conditions of confinement are in compliance with acceptable detention standards.

~

To acquire guaranteed detention space in close proximity to the Federal courts in order to reduce the drain on Marahals Service resources for in-district handling and production of prisoners and to provide defendants with adequate access to coursel and to the courts.

BASE PROGRAM DESCRIPTION: The Bureau of Prisons (80P) continuously reviews capacity requirements, considering the projected finate population level, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of present facilities. As federal inmate population levels are projected to acceed the capacity of the Bureau of Prisons, every possible action is taken to keep institutional overcrouding at manageable proportions to ensure that federal immates continue to serve their sentences in a safe and humane environment.

The Prison System is at the end of the administration of justice pipeline. Most other criminal justice agencies have at least some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the important cases are handled. Prison systems, however, have virtually no discretion and must accept all immetes sentenced to confinement by the courts. While it is impossible to predict future population therets and the presiston, all concerned agree that the number of Federal inmates all continues to increase. With a grouing body of Federal offenses and the recent wave of violent crime, it is difficult to see an end to the growing population in Federal prisons.

The Bureau of Prisons follows a policy of increasing the system's capacity through:

- the increased utilization of contract facilities including private sector prisons (see the decision unit "Contract Confinement" in
 the Saleries and Expenses appropriation);
 the appropriation and conversion of military and other properties to prison use; and
 the construction of new prisons.

from a cost parapactive, the expansion of existing institutions is the lesst expansive technique for increasing BOP's capacity. The BOP is currently building additional housing units at facilities where program space can absorb further population increases. Nowever, where major program areas, such as food service and utilities, are already saturated, expansion may approach the cost of newly constructed facilities.

The 80P continually reviews Federal surplus and other property for possible acquisition and conversion to correctional use. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of their will conversion of Seculities to animam security institutions is usually fessible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security massures must be designed into the facility. Converting satisfied non-correctional properties to medium and maximum security facilities is frequently more expensive than the design and construction of new institutions.

In spite of the success the Sureau has had in increasing its capacity through contract confinement, the expansion of existing facilities, and the acquisition and conversion of military and other surplus properties, it is still necessary to construct new prisons, (especially at higher security lavels) and for pre-trial detention. To de this, a suitable site must be located and acquised. The site acquisition process includes notification of the public and preparation of an Environmental impact Statement. The new facility is then designed by contract architects and the project is then bid for construction. Essentially, the 80P oversess construction projects that have been contracted out to private construction firms.

The long range yoal established for the Federal Bureau of Prisons, as noted above, is to continue to expand the capacity of the Bureau of Prisons to keep pace with projected incresses in the immate population and to simultaneously reduce and eventually eliminate prison overcrowding.

The Cooperative Agreement Program (CAP) obtains long-term, guaranteed housing for federal detainees in State and local detention facilities in or near federal court cities. At the same time, these funds improve the conditions of confinement in these facilities in accordance with national, State and local detention standards.

ACCOMPLISHMENTS AND WORKLOAD: As illustrated in the following table the Federal inmate population has exploded. In 1981, the Federal inmate population was 26,195. By March 2, 1993, the Federal inmate population had nearly tripled to 74,285.

8

3/2/93	74,585 52,757 41X
1992	70,670 48,527 46x
1661	64,131 42,531 51X
1990	58,021 34,239 69%
1989	51,153 31,727 X16
1988	24,72 28,72 57,83
1987	44, 194 27, 854 59%
1986	41,506 27,785 49%
1985	36,001 25,532 41%
1984	32, 317 24, 674 30X
1983	30,214 23,936 26X
1982	28,133 24,072 173
1961	26, 195 23,648 11x
	r-End Population r-End Rated Capacity cent Overcrowded

I the average e admissions ecome a much ÷÷ 5 The dramatic growth in the federal inmate population over the last decade is attributed to incresses in both the number of new admissions and tiles erved by the per inster. In general, setler in the decade the driving force was the increased rate of admissions. Note recently, while the continue to grow, the rate of growth has moderated. However, because of sentencing legislation, the increase in average time served has because fector in causing BOP population growth.

\$ 5 5 convincing avidence of In 1980, 25 percent of incresse to over two-ti the Bureau of Prisons, it represents is isly in the area of drug enforcement. Percent, and BOP projects that it will While the growth in the federal immate population is placing extreme pressures on ti complishments of the Mation's federal law enforcement and prosecution efforts, especi-total immate population was incarcerated for drug law violations. Today, it is about 62 to of the total federal immate population by 1996.

In addition to housing sentenced Federal Inmates, over the past several years the Bureau of Prisons has steadily increased its assistance to the U.S.

As noted in the summery statement, the current Federal immate population of 74,585 is being housed in 71 facilities with a rated or design capacity of approximately 32,757. This represents a system-wide average croading rate of 141 percent of capacity (March 2, 1993). Nost facilities are overcloaded, several facilities are overcloaded.

The Bureau of Prisons goal is to return to an operating level at or near 100 percent of rated capacity. This level of operation is defined in Policy Statement 1060,09, "Rated Capacities of Bureau Facilities". The management concept of "rated capacity" is important because it is an essential element of the basis upon which BOP's overcrowding goal and capacity expansion plan are developed. The 1994 request incorporates both classification/designation and rated capacity changes.

double-bunking 30X institutions, security g in minimum and low se detention facilities. ide for 100% double-bunking security institutions and c to provi on rated capacity has been revised institutions and 25% double-bunking iley c The Bureau's police in medium security

compute innetes trible: The changes in computing rated capacity significantly increased double-bunking and in effect have been incorporated into the base statistic used to c the crouding rate. For example, 100 percent of capacity will require two-thirds of the inmades in medium security to be double-bunked, and all Inmades in minimum and low security will have to be doubled. If new facilities were to house more than 100 percent of capacity, almost all of the in madeum security will have to be doubled, and a substantial percentage of the inmates in low and minimum security facilities will have to be <u>the backed</u>.

from an operational perspective, a more important factor is the average crowding rates by security level. The Bureau's strategy for reducing crowding involves several initiatives: expanding capacity through new construction and removation; modifying rated capacity policy measurements to allow more crowding within the definition of any particular institution's rated capacity; upstaling the size of new institutions to gain efficiencies in construction and staffing costs; and, regularly evaluating the population projections to ensure the most efficient mix of institutions within the Bureau, for both current and new fecilities.

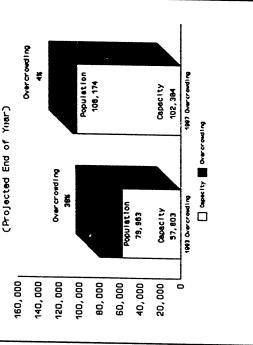
σ

Under construction are two federal Correctional Compleses at Allamood, Permylvania and Florence, Colorado; four medium security federal Correctional Institutions with Campin Carteridamia. Pakin and Dreamilla intho is, and Cambridad, Maryland), such and Detention Contress (Maryland), such as Federal Transfer Center (Interia); and a Federal Transfer Center (FIC) in Oktahoma City, Oktahoma which will be lessed.

Comparison of Projected Population to Capacity

further, the Bureau of Prisons either has in design or is accordingly alter for Cour additional complexes (Burner, North Carolina, Iccated at the site of the current Burner, Geillty, Beaumer, Toses, Coleman, Forlida, and Elkton, Ohlo), two Federal Correctional Institutions with General Sistemerk; is also underhery); whet Virginia, where sistemerk is also underhery); whet Virginia, where sistemer is a laso underhery); whet Virginia, where sistemer is the following three shadington, D.C.; Beattle, Meshington, Bursten, The following three Pederal Correctional Institutions (Taso City, Mississippi; Forrest City, Arkansa; and Ederlia, Seath Correctional Institutions (Taso City, Mississippi; Correct City, Arkansa; and Ederlia, Seath Conclusions and Scranton, Pernsylvania); and a Metropolitan Detention Center in Ness!

To further advance the Bureau's construction program, architectual design programs were developed in draft form. For fadinal Correctional Institutions, U.S. Penitentian Centra and Secural Prison Camps, Netropolitan Detartion Centra and administrative facilities. These programs maintain consistency not only in the design of new institutions, but also in the nervoxision of existing fractitutions, in addition, several new construction techniques were initiated which are expected to shorten the construction time for new institutions. These techniques include the use of formulativities and include the use of constructions design of new feelilities and the design and construction of Federal Correctional Complexes.



The Bureau of Prisons is constantly seeking cost-saving mathod we have adopted is building larger institutions. We have increased the rated capacity constructing and operating new feefilities. The additional security feelilities from 1,000 to 1,600 bods; medium security feelilities from 1,000 to 1,600 bods; medium security feelilities from 1,000 to 1,600 bods; medium security feelilities from 500 to 1,600 bods; medium security feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelilities feelili

These charges, coupled with the recent policy charges reparding rated capacity, have substantially reduced resource requirements for the Bureau of Prisons, while simultaneously bringing us closer to our goal of operating at 100 percent of rated capacity.

funding approved and requested through 1993 for the construction of new prisons, the acquisition of surplus facilities for conversion to prison use, the expension of stisting institutions, and rated capacity policy changes will add over 50,000 back when completed. As demonstrated by the bar graph, by 1997 the capacity will be 182,304 reducing overcroading to 4 percent.

It must be emphasized that while all funds previously provided are not formally obligated, comitments to construct at specific locations will require to percent obligation of existing resources. The following chart datalis construction projects currently requested/approved through 1993.

APPROVED/FUNDED RATED CAPACITY REQUIREMENTS

	:	:	:	:	:	:	<u> </u>
Ottahoma City, OK (Lesse) Coleman, FL Butner, Mr (Female) Butker, Wr FE Unidentified Camps				1,043 3,200 1,536 1,500			
Brooklyn, NY Butner, HC Medical 1-safe, CA FCI 1-safe, CA FCI 1-safe, CA FCI 1-safe, SC					1,229 763 2,048 3,008 1,536 1,536 1,536		
Washington, DC Florida Middle District of Florida Seartie, M. Detention Center Rouston, TX Rick on, TX	(238)	44.7	406		(41)	151,1 677 677 677 677 1536 1536 677 677 294	50,335

The Bureau regularly updates its population projections and includes an increased level of support in the area of pre-trial detention. As a result, the Bureau now projects a federal inmate population of 106,174 by 1997. Additionally, our long-range forecast projects the Federal inmate population will continue to grow by over 50 percent and reach 121,072 by 2000. Revised year-and population projections are as follows:

: 1

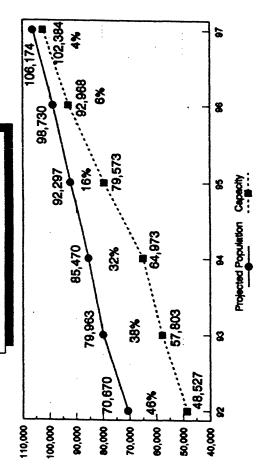
7007	121,072
881	116,047
1928	111,437
1991	106,174
1996	98,730
द्धा	92,297
1994	95,470
1993	79,963

Since mid-1987, the Bureau has been able to use a simulation to derive its long term population projections. The model is sensitive to changes in trends in the number of inmates admitted, as well as the immate's period of incarceration. Thus, the model uses an estimate of the immate's projected length of stay, rather than sentence, to determine how long a prison bed will be occupied.

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As illustrated in the following table, resources approved/requested through 1993 will have a tresendous impact on the overcrouding rate in Federal prisons. In 1997, the population is expected to reach 106,174. With the activation of over 50,000 beds and current policy changes, the capacity of the Federal Prison System will increase to 102,384 by 1997. The following data compares projected fiscal year-end capacity and population.

CAPACITY PLAN FEDERAL PRISON SYSTEM (Projected End of Year)



PROGRAM CHANGES:

The Bureau of Prisons' new construction program for 1994 includes a decrease of 5 positions, 5 workyears, and a total of \$155,954,000 for planning, site acquisition, design and project supervision, of which \$14,074,000 is required to provide work programs through the construction of new factories. In addition, a reduction of 5 positions and 5 workyears are included to achieve the administration's deficit reduction target. The table below breaks out the new facilities by institution.

Facilities:	90 8	1	Amount (000's)
Sentences	1	1	
Fort Devens Facility (1,536 beds)	•	•	\$74,600
Expansion Projects: FCI Dublin (name change from Pleasanton) - Special Housing Unit FCI Lestington - Special Housing Unit Total Sentenced (1,536 beds)	• બ	o ဝ ုဝ	1,980 7,000 83,580
Detention			
Middle District of Florida FCC (677 beds). MDC Phoenix (850 beds) - Site and Planning. SPC Buffalo. CAP Programs (USRS). Total Detention (1,527 beds).	ooodo	ooodo	20,000 8,000 10,300 20,000 58,300
Subtotal (3,063 beds)	•	•	141,880
Innate Work Programs. Savings to achieve Deficit Reduction Target	ଂସି	॰ସ୍ତି	14,074
Total, FY 1994 New Construction	3	3	155,954

The primary mission of BOP is to carry out the judgements of the Faderal Courts for sentenced Federal offenders. To keep pace with the projected growth in the sentenced Federal inmate population and reduce or eliminate overcrowding, \$83,580,000 is requested in 1994.

As illustrated in the tables above, \$74,600,000 provides for full funding of a low security facility at fort bevens. Massachusatts (Mortheast region). Also included in the request for sentenced offenders is \$6,980,000 for two expansion projects consist of two Special Mousing Units at FCI bublin (\$1,980,000) and FCI Lexington (\$7,000,000).

The USMS has requested that the Bureau of Prisons provide detention facilities through the construction of new detention centers and the expansion or establishment of detention units at existing Federal prisons, where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For 1994 the Bureau is requestrial \$55,100,000. Side and planning durds are requested for Phoenitix (\$5,000,000) and partial construction funding is requested for the Middle District of Florida (\$20,000,000). The Bureau is also requesting \$10,300,000 to construct a 250 bed Service Processing Center (\$PC) in Buffalo, NY for the INS. This will add 1,227 detention beds to our rated capacity figures.

During the past decade, the federal detainse population has exploded: the average delity detainse population has increased by 400 percent, from approximately 4,000 in 1981 to approximately 20,000 in January 1993. Movever, due to the continual loss of detention bedapace in State and local facilities has increased 475 percent, from 1,178 in 1981 to a projection of 5,780 by the end of 1993.

The USNS first attempts to meet its detention responsibilities by contracting with local jails through the use of intergovernmental Agreement (1dds) and the Cooperative Agreement Program (CNP). Due to jail overcroading at the state and local leveluit to acquire. In exchange the for funding to expand and upginged State and local detention facilities, the CAP program obtains long-term, guaranteed housing for federal detention and program and the contract of the contract and interaction efforts are assetted and upginged at detention facilities in Federal Court cities have been difficult to obtain. Since its inception, the CAP program has successfully acquired 6,953 bedspaces. Because of the magnitudes of the Bureau of Prisons' capacity expansion program currently underway it is imperative that every effort be made to maintain and expand contracts with local jurisdictions. Therefore, 80P is requesting \$20,000,000 to reinhourse USNS for 60 Critically needed bed spaces for its increased prisoner population and to negotiate 19 CAP agreements for U.S. prisoners in non-

ACTIVITY: Nodernization and Repair

7888	Pos. VI. Amount	\$32,398
540/4114	与	•
Incr	į	0
MAILE	Pos. W. Amount	\$120,896
P94 Esti	뉙	₹
	100	124
	4	961
Bees ine	Q.	888
Perm.	N. Amo	121 \$68,
1994 Baseline	POS. NY AMO	124 121 \$88,
1993 Appropriation Anticipated Perm		

ŧ ş equipped facilities LONG EANGE COAL: To protect capital invastment in facilities. To provide safe, efficient, and adequately sized and operation of correctional programs within the Federal Prison System institutions.

MAJOR OBJECTIVES:

Repair and removate facilities as required.

Nake all facilities energy efficient in accordance with the Department of Energy Life Cycle Costing method.

identify and remove any hazardous waste that may exist on federal Prison System property.

Comply with all requirements of the Joint Commission on Accreditation of Hospitals.

Comply with all requirements of the Mational Fire Protection Association (MFPA), 101 Life Safety Code pertaining to penal facilities.

Bring applicable utilities into compliance with Mational Electrical Code and American Waterworks Standards and ensure safety and security of facilities.

Modernize antiquated federal prisons.

<u>MASE_PROGRAM DESCRIPTION</u>: This program provides the resources to undertake essential rehabilitation, renovation or replacement projects at existing institutions to desure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, endernization and repair of our stisting institutions is essential, particularly since more than 50 percent of our facilities are over 30 years old. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.

Work is identified by two specific categories of projects: major line item requirements (projects valued over \$500,000) for which funds are specifically requested by project; and repair and improvement (R&I) requirements (projects valued at \$4,000 to \$500,000). R&I projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

Accomplishments of the program Modernization and Repair of Existing facilities are presented in the following table: ACCOMPLISHMENTS AND WORKLOAD:

It should be emphasized that the normal useful life of buildings without major repair and renovation is 30 years. More than 50 percent of FPS facilities are subjected to heavier than normal use, especially during periods of high overcroading.

PROGRAM CHANGES:

in 1994, FPS is requesting \$32,701,000 in five areas to accomplish general improvement projects; to provide major renovations at antiquated facilities; to accomplish utility improvements; to continue life aslety and hazardous waste removal projects; and to accomplish energy saving improvements. The Bureau of Prisons' modernisation and repair base progress for 1994 includes 134 positions, 121 workyears and \$50,900. In addition, the Modernisation and Repair request includes a \$303,000 reduction to reach levels established by the administration. The following is a brief description of the projects proposed:

ξ major renovations The request includes \$9,507,000 to maintain investment in plants through an adequate program of General Improvements: Sandstone, fCI-improve Security. This request is for 8457,000 for security upgrades which will correct deficiencies noted in recent Custodial Additativegrams abstream and Surveys. A double fence will be installed around the recreation yard with security Items, such as, rason Wire, a fence ilghting system and a fence aliam ayatem.

Laxington, FMC-Elevator Rehab. This request is for \$773,000 to bring tealve elevators into compliance and meet all required safety standards. The elevators were installed in 1917 when the institution was built and have never had a major overhaul. FMC texington has been designated as a federal Medical Center so it is imperative that the elevators are all brought up to required safety standards.

Danbury, fCI-Upgrade Security. This request is for \$740,000 to upgrade security in order to correct deficiencies to current Custodial Operational Guidelines which were cited in a Custodial Audit/Program Review. Upgrades will include items, such as, increasing the height perimeter fence, installing electronic locks and cameras.

provide Dental, lompoc, fCl-Construct Medical facility. This request is for 8965,000 to construct a 6,000 square foot stand alone medical facility to addense medical care to over 800 inmates. This space will provide space for an outpatient Pharmacy, a trauma/trestment room, X-Ray, exam rooms, and four inpatient rooms. The Health Services department presently occupies less than 1,000 square feet.

Sespoville, FCI-Removate food Service. This request is for \$2,850,000 to the present 51 years old food Service Building which was not originally constructed for as a food Service facility. This removation will correct major physical deficiencies and provide an addition to existing space. Currently sever than are analysis and the second second second second distributions improvement of food preparation equipment, dufing room capacity is \$22 with a population of 1,030, plumping, steam, and water lines have deteriorated to a point that it is not cost efficient to replace, along with other major deficiencies.

Terre Haute, USP-Removate food Service. This request is for 83,052,000 to provide extensive removations for the food service area which was constructed in 1932. Since only minor modifications have been made during the last 60 years, the utilities, equipment and structures are in meed of extensive repairs or replacement.

Mamphs, Fillingrove Security/fence. This request is for \$570,000 to repisce the deteriorating perimeter fence security wire. The existing wire is repidity oxidizing. The barbed tape is rusted and ineffective. The barbed wire is stretched and sagging to a point of weakening the security abilities of the fence. Stainless steel barbed tape will be installed in accordance with Bureau of Prison standards.

Below is a summary of these General Improvement projects:	787	Amount 12 (\$900-12)
Sandstone, FCI-Improve Security.	•	0 \$857
Lexington, FMC-Elevator Rehab.	٥	
Danbury, FCI-Upgrade Security.	0	072
Lompoc, FCI Construct Nedical Facility	0	0 965
Seagoville, FCI-Renovate food Service	0	0 2,850
Terre Haute, USP-Renovate Food Service.	0	3,052
Hemphis, FCI-improve Security/Fence	a	270
Total General Improvements.	0	0 9,807

2 Major Removations: The major useful life of buildings without major removation or repair is 30 years. Resources of \$3,381,000 are requested continue the removation of USP Atlanta which is 90 years old.

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Atlanta, USP-Major Renovation. This request is for 83,381,000 for the final phase of this renovation project. This phase will include the demolition of the hospital, food service building, AN building and the laundry/dorm \$ 6 4 building; construction of a 20,000 aq. ft. masonry including kitchen, dining area, laundry, and other services; 16,000 sq. ft. masonry Support Services building; upgrade security at various locations; and renovate the Administration Building.

(\$000.E)	3,38
뒼	910
188	040
Below is a summary of this Major Renovation.	Atlants, USP-Major Removation.

Marion, USP-Construct Seasge Treatment Plant. This request is for \$3,400,000 to construct a new seasge treatment plant which will be controlled by a \$0 year old plant operated by the Department of Interior 18 ± Wildlife Service, which does not meet EPA Standards. Fish & Wildlife Interd to close their plant and pump the stitution seasge to a local community because they cannot account the forms necessary to upgrade their system. The closest community that could take one the institution's seasge treatment is ten to fifteen miles from USP Marion. Mosever, use of their system is until they because the community would have to take over the maintenance and repair of over 15 miles of sever line and pump stations that are in very boor condition and approaching 30 years in age.

ULILIY improvements: Utilities at many institutions are extremely overburdened by inmate population levale exceeding the institutions' rated capacities. Electrical systems and water and sever utilities are in particular need of upgrade or replacement due to overcroading levels. The request includes an increase of \$15,083,000 to remediate utility problems at eight facilities:

'n

Marion, USP-Upgrade Electrical . This request is for \$2,105,000 to upgrade the electrical system to convert USP Marion from an Administrative Maximum to a Migh Security Level Institution. Under an open population self ing it enovations are mandatory. The upgrade involves the replacement of primary and secondary systems, as well as, all distribution panels, wiring and lighting systems.

Lompoc, USP-Enlarge Sauge System. This request is for \$1,070,000 to enlarge the seuge treatment facility. The seuge treatment facility at USP Lomboc William (USP), a Federal Correctional Institution (EI), the newly established Federal Prison Camp (FPC) and staff housing. Over the years, the increase in innear population, expension, and establishment of a mer PFC have rendered the current system inadequate to handle the current demand. Lompoc was constructed in the late 1940's and has been treating its own seuge since activation. Increased EPA and local requirements for seusge treatment have mandated improvements to the seusge treatment facility.

ft, Worth, fCI-Replace Sever Lines. This request is for \$1,200,000 to replace approximately 8 miles of existing sever tines. The existing sever tines they sever see so fragile tines (sentery and store) have deteriorated to the point where they are both a safety and health concern. The sanitary severs are so fragile they collapse frequently. The storm sever system is undersized and will not carry the amount of water that needs to be carried. This system is also collapsing and in need of repair.

Springfield, MCFO-Upgrade Primary & Secondary Electrical. This request is for and \$4,475,000 to upgrade primary and secondary electrical systems. The present electrical system is 20 to 60 years oid with many replacement parts impossible to find. The system is running at full capacity for the health care functions and has developed a history of power outages due to the age of the electrical system. Since this is a medical facility, updating the system is critical. This project is separate from previously funded Repair & Improvement projects.

te Tune, FCI-Upgrade Tunnel Utilities. This request is for 8675,000 to replace tunnel steam and sever distribution systems, including, lines, valves, traps, and insulation in this 59 year old facility. Existing tunnel lines are deteriorated and undersized.

Terminal Island, FCI-Rahab Secondary Water System. This request is for \$1,445,000 to replace the hot and cold potable water system with over \$,400 lines feet of line serving the institution. The current system, which was installed in the late \$920's, has deseriorated to the point at which it is no longer serviceable and creates problems with both sensitiation and life safety. Deterioration along with catellium buildup has reduced the capacity of the supply to less than a quarter of original design. Water supply has disinished to the point that there is an insufficient water supply for a sprinkler system. The lines service inmate housing, food service, showers and medical services.

Offewille, FCI-Utilities Plant Laprovements. This request is for \$1,320,000 for a power plant expansion which will include a new boiler and 1200KW package generator. The current electrical supply cannot handle the increase which will come from proposed expansions at the location. The existing boilers are operating at full capacity under the current demand,

Allenwood, FPC-Expand Sewage Treatment Plant & Repair Lines, Phase II of II. This request is for \$193,000 to complete the expansion of the sewage treatment plant. This project will increase capacity to meet the demands of the current population, will prevent rain water infiltration, and will prevent soil contamination.

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,	Pos. W	78,00087
Marion, USP-Construct Sexage Treatment Plant.	0	83,400
Marion, USP-Upgrade Electrical.	•	2,105
Lompoc, USP-Enlarge Sexage System	•	0,000
Ft. Worth, FCI Replace Seven Lines	•	1,200
Springfield, MCFP-Upgrade Primary & Secondary Electrical	•	2,7
La Tuna, FCI-Upgrade Tunnel Utilities	0	673
Terminal Island, FCI-Rehab Secondary Mater System.	•	1.445
Otisville, FCI-Utilities Plant Improvements	•	1,320
Allerwood, FPC-Expand Sewage Treatment Plant & Repair Lines, Phase 11 of 11	~	122
Total Utility Improvements	ю	15,883

<u>Mazardous Mazes.</u> The request includes an increase of \$1,804,000 to remove hazardous waste material from two institutions.

Alderson, FPC-Asbastos Abatement: Roofs. This request is for \$1,497,000 to remove and replace existing transits shingled roofs, which were installed in 1932, contain large amounts of asbastos, and are deteriorating so that friable asbastos is accumulating in gutters. The asbastos makes it necessary for workers to wear special suites and respirators to clean the gutters.

Milan, FCI-Asbeatos Abatement: Power Plant. This request is for \$307,000 to remove asbeatos insulation in the power plant and steam turnels. Steam and water leaks have damaged the insulation to the extent that it was necessary to install wire mesh to hold the material in place.

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	Alderson, FPC-Asbestos Abstement: Roofs	Total Hazardous Waste

Engray Stylnas: The request includes an increase of \$1,826,000 to accompilsh energy savings at two institutions.

•

Chicago, MCC-Benovate NVAC. This request includes \$1,000,000 to accomplish energy savings at MCC Chicago to replace the current HVAC system. The existing heating and air conditioning system is inadequate to meet current load demands. The current occupancy rate is approximately 65% cover the original design for the NVAC system, in addition, other factors, such as increases in equipment and lighting affect the demand on the current system.

Ashland, FCI-install NVAC & Upgrade Electrical System. This request is for 8826,000 to install an NVAC system and upgrade electrical systems in all inmate housing units. This will replace an axisting 50 year old inefficient steam heating system which has no cooling system. Femperstures in immate housing units exceed 100 degrees during sum or months. This project will also upgrade the electrical systems within the housing units.

in inmate housing units exceed 100 degrees during sum ar months. This project will also upgrade the electrical systems within the housing units	stems within th	s housing unit
	Per	MI (B000's
Chicago, MCC-Renovate NVAC System Ahlband, Crinstail HVAC & Upgrade Electrical System Total Energy	• oa	978

Federal Pilson Sysiem Buildings and facilities
Financial Analysis - Program Changes
(Dollars in thousands)

				Mode	Modernization and Repair of	Repair of			
	ž	New Construction	lon	-	Existing Facilities			Total	
			Budget			Budpet			Budget
Ue)	Pos.	Obigo	Auth.	Pos	Obig	Auth.	Pos.	OPIG	Avt.
23-12	-	•					•	•	
08-11	9	0	: :		: 0	: :	9	9 6	5 C
				-					
Total positions and annual rate	9	0	:	0	0	:	9	0	0
Total workyears and personnel compensation.	9	0	0	0	0	0	9)	0	0
Personnal benefits	:	0	0	:	0	0	0	0	0
Travel and Transportation of persons	:	•	•	;	0	0	0	•	•
Transportation of things.	•	0	30	:	0	0	0	2	30
Rental payment to others	:	9	18	:	6	6	0	0	- 6
Comm, utilities and miscellaneous	:	9	16	:	0	0	0	9	18
Priming and reproduction	:	0	50	ī	0	0	0	0	2
Other services	- - - - - - - - - -	129,647	141,480	:	29.138	31,056	0	158,785	172,516
Supplies and materials	:	35	280	:	376	376	0	258	88
Equipment	_	0	04		196	963	0	196	- 83
1									
Total workyears and obagations, and budget authority	<u>.</u>	129,837	141,880	0	30,478	32,398	9	160,315	174,278
		-		ļ					

There are no new positions in 1994, instead, new projects will be managed with existing staff. Budget suthority for personnel compensation and benefits are for the life of the project.

Federal Prison System

Buildings and Facilities

Status of Construction and Summary of New Facility Requirements

capacity planning decisions by the Bureau. The new version will be transmitted under a separate cover letter prior to the appropriation hearing for the Bureau of Prisons. The Status of Construction exhibit is being revised to incorporate the most recent

Federal Pitson. System
Buildings and facilities
Detail of permanent positions by Category
Fiscal Years 1902 — 1994

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Category	1992 Authorized	Appropriation Enacted	Base	Program Changes	Total
General Administration Clerical and Office Services (300–399) Accounting and Budget (600–599). Engineering and Architecture Group (800–899). Business and Industry Group (1100–1199).	-	82.787 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.0	82 12 12 12 12 13	0000	828
Ungraded (mechanical and construction)	360	333	325	(5)	320
Washington. U.S. Fleid.	39	39	39	0 (5)	38
Total	360	333	325	(5)	320
			~~		

Federal Prison System Buildings and Facilities Summary of Change (1993–1994)

III)	Pos.	<u> </u>	\$(000)
1993 Appropriation.	336	321	339,225
Adjustments to permanent positions and workyears	(3)	(e)	
1993 Appropriation Anticipated	333	318	339,225
Mandatory Increases:			
1993 Pay Annualization	0	0	217
Annualization of 1993 Positions	0	12	
Within – Grade Increase (WIG)	0	0	186
Federal Insurance Corporation Act (FICA)	0	0	9
Health Benefits	0	0	29
GPO and Department Printing	0	0	
General Pricing Level Adjustments	0	0	2,337
Total, Mandatory Increases	0	12	2,814
Decreases:	Ç		.000
Nonrecuring	œ.	<u>s</u>	(239,40)
1994 Base	325	322	102,572
1994 Program Adjustments:			
New Construction: Sentenced Offender Capacity:	•	(
Ft. Devens Facility (1,536 beds)	0	0	74,600
Expansion of Existing Facilities: FCI Dublin - Construct Special Housing Unit.	. 0	0	1.980
FCI Lexington - Construct Special Housing Unit	0	0	2,000
Total, Sentenced Offender Capacity (1.536 beds)	0	_	83 580

Pos.	_	5
		(2001)
0	0	20,000
0	0	8,00
0	0	10,30
0	0	20,000
0	0	58,300
0	0	141,880
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5 6	5 0	o d
5 6	5 6	יי על
5 6	5 6	3,032
0	5	7/6
0	0	9,807
	0	3,381
0	0	3,381
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lem lem	Pos.	FTE	\$(000)
Utility Improvements: Marion. USP - Construct Sewage Treatment Plant.	0	0	3.400
Marion, USP - Upgrade Electrical	0	0	2,105
Lompoc, USP – Enlarge Sewage System.	0	0	1,070
Ft. Worth, FC' - Replace Sewer Lines.	0	0	1,200
Springfield, MCFP - Upgrade Primary & Secondary Electrical	0	0	4,475
La Tuna, FCI – Upgrade Tunnel Utilities.	0	0	675
Terminal Island, FCI - Rehab Secondary Water System	0	0	1,445
Otisville, FCI – Utilities Plant Improvements	0	0	1,320
Allenwood, FPC - Expand Sewage Treatment Plant & Repair Lines, PH II of III	00	00	193
lotal, Utility Improvements	>	5	12,883
Hazardous Waste: Alderson, FPC – Asbestos Abatement: Roofs	00	00	1,497
Total, Hazardous Waste	0	0	1,804
Energy Savings: Chicago, MCC – Renovate HVAC System	0	0	1,000
Ashland, FCI – Install HVAC & Upgrade Electrical System	0	0	826
Total, Energy Savings	0	0	1,826
Subtotal Modernization and Repair	0	0	32,701
Total, Program Adjustments	o	0	174,581
1994 Program Decreases: FTE reduction	(2)	(5)	(303)
1994 Estimate 320	320	317	276.850

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Federal Prison System Buildings and Feclities Justification of Adjustments to Base (Dollars in thousands)

Amount

Mork-Positions xears

Mandatory increases:	1887			
1. 1993 Pay Annualiza This pay annualiza 3.7 percent pay in \$67,000 benefits).	1. 1993 Pay Annual (zation represents only first quarter amounts (October through December) of the 1993. This pay annual (zation represents only first quarter amounts (October through December) of the 1993 3.7 percent pay increase effective in January of 1993 plus appropriate personnel benefits (\$150,000 pay and \$67,000 benefits).	:	:	\$217
2. Within:srade This request on an accural as anticipate series to re	1. Within stade increase for the expected increase in costs of within-grade increase. This increase is beard this request provides for the expected increase is beard on an accusate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/asparation mass, and carear ladder series to reflect promotion policy for each organization. The request includes \$129,000 for pay and \$37,000 for benefits.	:	÷	8
3. Anovalizatio This provide for new cons	3. Annualization of 55 Additional Positions Approved in 1993. This provides for the annualization of 55 additional positions approved in the Semate Allowance for 1993 for new construction and modernization and repair of existing facilities.	:	2	:
4. Health Benef The Federal Insurance wo provides fun	4. Nealth Empilia. The federal Employees nealth Benefits Act (P.1, 93-246) provided that the Government's share of health insurance would be 40 percent of the total rate commenting in 1973. The requested increase of \$67,000 provides tunds for actual increased costs from pay period 2 to pay period 3 of 1992 projected for a full year.	÷	:	79
5. Endered Insu Beginning th and Health I respectively	5. <u>Esperal Inturance Contribution Act (116A)</u> annary 1, 1992, the base on which servings for Social security Beginning the first full they period after January 1, 1992, the base on which servings are calculated increased from \$57.450 to \$550 and from \$57.450 to \$139,350, respectively. This increase of \$6,000 is computed based on the increase in the base rate.	÷	:	•
6. Government P. GPO and the An additional facilities.	 Government Printing Office (GPO) and Department Printing. GPO and the Department are currently projecting a 3.7 percent increase over 1993 printing and depicating costs. An additional \$1,000 will be required in 1994 for printing done either by GPO or the Department's depicating facilities. 	:	:	-
6. General Pric. This request costs identificate that prices that Generally, the printing cost	6. general Pricipa Layel Adjustments. This request applies DNS pricing guidance as of June 9, 1992, to selected expense categories. The increased costs identified result from applying a factor of 3.1 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs transportation costs and utilities. Excluded from the computation are categories of expense where infletion has already been built into the 1994 estimates.	i	:	2,337
Total mandatory in	:	т :	2	2,814

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nonpol
ometic
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Decreas

ion-recurring Costs (Projects funded in 1993)	Total Decreases.	TOTAL ADJUSTMENTS TO BASE
1. Non-recurring Costs (Projects fun	Total Decreases	TOTAL ADJUSTMENTS TO BASE

(8) (239,467) (8) (239,467) 4 (236,653)

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Federal Prison System Buildings and facilities Summary of Requirements by Grade and Object Class (Dollars in thousands)

	1992 Actual	tual	1993 Estimate	timate	1994 Request	quest	Increase/Decrease	Decrease
Gredes and salary ranges	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS/GM-14 \$56,627-73,619	CVI		N		O.		0	
GS/GM-13 \$47,920-62,293	27		27		27			
GS-12 \$40,298-52,385	. 6		69		89		0	
G9-1f\$33,623-43,712	- 4 4		117		5		E	
. GS-10 \$30,6C3-39,783	₹		•		•		•	
GS-09 \$27,789-36,123	52		58		58		0	
GS-05 \$18,340-23,839			37		జ		<u> </u>	
GS-04 \$16,383-21,307.	ო		က		n		0	
Ungraded positions	89		29		69		0	
Total appropriated positions	360	\$13,098	333	\$12,988	320	12,073	(13)	(916)
Pey above stated annual rates	c	508	c	Ş	c	4	5	•
La0ses		(3.118)	9 (6)	(630)	9.6	(123)	!	407
Savings due to lower pay scales part of year	0	(748)	Ò	(150)	0	Ò		50
Net full time permanent	287	9,338	314	12,358	313	12,004	ε	(384)
Other than full time permanent.	4	8	4	92	4	80		4
Other Personnel Compensation	0.	549	O	610	o	640		8
Total, workyears and personnel compensation	280	9,977	327	13,044	326	12,724	(I)	(350)
Average GS/GM Salary		\$32,463 10.4 \$35,090		\$33,663 10.4 \$37,276		\$33,663 10.4 \$37,275		

Summary of Requirements by Grade and Object Class (Con't)

	1992 Actual	inal	1993 Estimate	timate	1994 Request	quest	Increase	Increase/Decrease	a
	Positions &		Positions &		Positions &		Positions &		
Object Class	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount	¥
11 Personnel compensation:									
11.1 Full-time permanent	267	\$10,455	314	\$12,358	313	\$12,004	٤	_	(\$354)
11.3 Other than full-time permanent.	4	111	4	92	4	8	0		. 4
11.5 Other personnel compensation	6	260	6	610	6	640			8
Total	280	11,126	327	13,044	326	12,724	(1)		(350)
12 Personnel benefits.		3,398		3,674		3,855		_	18
21 Travel and transportation of persons		829		980		802		Ξ	(52)
22 Transportation of things		147		195		135		. ~	8
23.2 Rental payments to others		1.4		131		52		,	3
23.3 Communications, utilities and misc. charges		41,771		59,100		55,300		(3.800)	8
_		12		52		12			33
		370,106		768,422		556,599		(211,823)	ন্ত্র
26 Supplies and materials		19,980		18,375		16,457		(1.9	<u>8</u>
31 Equipment		1,773		1,778		1,197		(581)	2
32 Land and Structures		28,344		28,356		27,500		ě.	(928)
_		S		:		:			0
43 Interest and Dividends		224		220		215			œ
Total direct obligations		477,859		894,300		674,925		(219,375)	32
Unobligated Balance, start - of - year		(1,699,300)	_	(1,683,531)	_	(1,128,456)			
Unobligated Balance transferred		:		· i	•	· :			
Unbligated Balance, end-of-year		1,683,531		1,128,456		730,381			
Total Requirements		462,090		339,225		276,850			
Relation of obligations to outlays:									
Obligations incurred, net		477,859		894,300		674,925			
Obligated balance, start - of - year		484,526		429,637		701,127			
Obligated balance, end-of-year		(429,637)		(701,127)		(582,415)			
Outlays		532,748		622,810		793,637			

Page

Federal Prison Industries, Incorporated Estimate for Fiscal Year 1994 Federal Prison System Table of Contents . : Item

Department of Justice

Federal Prison System

Federal Prison Industries, Incorporated

Summery Statement

Fiscal Year 1994

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, in 1994 a total of 1,626 permanent positions and 1,623 workyears. The request represents an increase of 16 positions and 18 workyears to activate two facilities and a reduction of 41 positions and 18 workyears from the 1993 appropriation as enacted. These changes represent a net reduction of 25 positions and 5 workyears from the 1993 appropriation as enacted.

Federal Prison Industries, incorporated, was created by Congress in 1934 and is a wholly owned Government corporation which operates at no cost to the U.S. taxpayer. The Corporation is authorized to operate industries in Federal penal and correctional institutions, is the Chief Executive 4121-4129. The Director of the Federal Prison System, who has jurisdiction over all Federal penal and correctional institutions, is the Chief Executive Officer. Earnings from the Corporation's industrial activities are used for all operation costs of the Corporation including marketing expenses, immate purk and compensation to inmates performing in industrial work details, and compensation to former immates for injuries they received while in Federal prisons.

Administrative Expenses - A board of six directors, appointed by the President, reviews and approves the policies of the Corporation, long-range corporate plane, stabilishment of new industries, and Bylans, and capital investments in excess of \$500,000. The Board siso makes ammual reports to Compession the condition of its funds. General management of the Corporation is vested in a Chief Operating Officer and carried out by a staff of 32 Corporate Management employees located in Washington, D.C. Expenses of this function are subject to Congressional Limitation.

Industrial Manufacturing progrem - An average of 15,432 inwates in 89 factories at 47 locations were employed in 1992, and inmate employment is expected to reach an average of 19,068 by 1994, reflecting the Bureau of Prisons' projected population growth. Inmates manufacture such items as furniture, clothing, electronic cable assemblies, metal and textile products. They also work in service industries such as furniture reflinishing, data processing, vahicular component manufacturing, and laundries. All products and services of the Corporation are sold to Federal agentical. The Department of Defense, the Postal Service, the Veterans Administration, and the General Services Administration are the largest customers. In 1994, an additional 2,709 inmate employees anticipated as a result of the projected population increases. Through streamlining of Corporate and field level operations, and transfer of some Central Office operations to prison facilities to take advantage of immate employment, Federal Prison Industries will meet this commitment by further reducting authorized workyears while expending to new factories will be difficult, Federal Prison Industries will meet this commitment by further reducting surhorized workyears while expending to new factories will be difficult, Federal Prison Industries will meet this commitment by further reductions in current/proposed requirements. The Corporation will meet its mission of employing and Prison Industries by enhancing marketing, product development, reallocating current staff products and significant product expension are incorporated management controls system designed to provide necessary internal controls. Guidelines for new products and significant product expension are incorporated into statute to further ensure that the Corporation's expension does not unduly impact the private sector. Thus, the request includes only 6 position and 3 workyears for the Allenwood, Pennsylvania high security facility and 10 positions and 10 workyears for the Florence Colorado biga

\$3,395,000

Federal Prison System

Federal Prison Industries, Incorporated

Justification of Proposed Changes to the Appropriation Language

The 1994 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 106 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of pessenger motor vehicles.

(18 U.S.C. 4121-4129: Department of Justice and Related Agencies Appropriations Act. 1993).

Limitation on Administrative Expenses Federal Prison Industries, Incorporated Not to exceed (\$3,181,000) <u>of the funds of the corporation shall be</u>
available for its administrative exponens, and for service as authorized
available for its administrative exponens, and for service as authorized
by 5 U.S.C. 5109, to be computed on an accrual basis and to be determined in accordance with the corporation's
prescribed accounting system in effect on July 1, 1946, and such amounts shall be exclusive of depreciation,
payment of claims, and expenditures which the said accounting system requires to be
capitalized or charged to cost of commodifies acquired or produced, including selling and shipping expenses, and
expenses in commection with acquisition, construction, operation, aminemence, improvement, protection, or
disposition of facilities and other property belonging to the corporation or in which it has an interest.

(Department of Justice and Related Agencies Appropriations Act. 1993).

Explanation of Changes:

No substantive changes proposed.

Federal Prison invasorate Federal Prison industries incorporate Grosswelk of 1973 Changes Contract in the secrets

	<u> </u>	1993 President's Budget Recurst	ent's	Action	fonel A	ngressional Appropriation Actions on 1993 Request	4	Rescouranting	mine	Adjust Posit	lone and	djustments in Permanent Positions and Workvests	Ē	1993 Appropriation Anticipated	riation ad
Activity/Program	188	۶	Pos. VT Amount	1 FOR - MT - M	뵥	Amount	8	片	Amount	8	¥	Pos. M. Mesunt.	188 F	ş	ARREDI
ederal Prison Industries	1.651	1.621 1.628	H28.271	9	ٵ	- 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	٩	9	٩	9	3	1913	1.635	11612	842.806
Total	1,651	1,628	\$426,271	•	•	(\$93)	0	0	0	36	36	(16) (16) 0	1,635 1,612	1,612	8425,806

Eddral Prison Enter Eddral Prison Industries, Incomprated Susserv of Benitaensta

Porm. Work: Post (1967) 4800011 1,631 (1,638 443,806	309,523, 519,1 88	2		450,034
1.00 Part.		Ŋ	ţ	3
<u> </u>	35	:	ŧ	1,633
Redissipants to base: 1973 se enected.	Adjustments in permanent positions and workyears (16) Apply Appropriation Anticipated (16) 1,633	Margistory Increases	Decreases (extensition non-policy)	1994 Basel inc

	188	9	1992 As Enected	1992 Actuals	Z Acts	自	ž,	Appropriate	1993 Appropriation Anticipated	٩	7	1994 Besetting	188	1994 Entimete	a a		Pecine	Incresse/ Decresse
Eatimates by budget activity	Ė	ğ	Amount	Ė	۶	Amend	Ę	ä	America	1 2	٩	Pers. M. Assurt	28	ş	". If Amount		ğ	Amount
1. Administrative expenses	2	22	83,297	2	×	2, 24 24, 24	2	2	181,23	2	2	52) '53	×	2	88,395	ŧ	:	
to Congressional Limitation	×	×	182,28	×	×	7	×	×	3,101	122	×	3,122	×	×	3,38	:	:	E
2. Cost of production	₹ : :	§ ::	55,42 85,42 1.45,62	¥ : :	£ :::	¥58.	£,€	š . : :	34,74 37,98 37,98 35,08	8 : :	£09, : :	38,52 37,50 37,98 35,08 35,08	¥. : : :	ž : : :	28.28 28.28	8 : : :	2 : : :	22, 23 2, 23 3, 23
Total			388,606			\$19,613			123,804			959'92			240'461	€	Ê	92,58

Justification of Program and Performence

Federal Prison Industries, Incorporated: 15-4500-0-4-753 Federal Prison Industries, Incorporated: 3-4500-0-4-753

ACLIVIII: Federal Prison industries	1993 A	1993 Appropriation Anticipated era.	1993 Appropriation 1994 Baseline 1994 Estimate Incresse/Decresse Perm.	Perior 198	Pasel	8	Pere.	X Esti	Mic	Pere.	- C. C. C. C. C. C. C. C. C. C. C. C. C.	SCERRE	
	ā	보	Amount	8	덬	Amount	5	보	Amount	161	Ħ	AMOUNT	
Total	1,635	1,612	\$425,606	1,635	1,635	\$426,836	1,626	1,623	\$497,072	6	(15)	\$70,236	

<u>LONG RANGE CON</u>: Employ inmates; provide inmate opportunities for on-the-job training and apprenticeship programs to develop entry level skills and enable inmates to acquire on-the-job knowledge and proficiency, as well as discipline in the work ethic.

MAKOR OBJECTIVES:

Develop and implement strategies for communicating FPI's primary mission and goals to the public, private sector business community, government esencies, and elected officials.

Plan for the growth of FPI and provide immate employment required for the safe and orderly management of the Bureau of Prisons. Manage FPI financial affairs in an efficient and more productive fashion.

Provide on the job training to an average 19,068 inmates in all inclustrial factories in 1994.

Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.

Ensure Total Customer Satisfaction by being competitive in marketplace price, quality, and delivery standards.

Ichieve the installation of developmental programs which will assure FPI of a highly trained, qualified, and motivated staff.

Implement a management control system which is fully automated and conforms with the needs of the Corporation to maintain control of all interdependent divisions and geographic locations.

Develop and implement a program of materials management which will reduce the costs of FPI products and enable FPI to more effectively meet the price/delivery and quality requirements of its customers.

In response to the Congressionally mandated Independent Market Study, develop non-traditional grouth atrategies in order to meet the challenges facing FPI.

AME PROGRAM DESCRIPTION: Federal Prison industries, inc., is self-supporting. Revenues are derived from the sale of products and services to other federal agencies. Operating expenses such as the costs of raw materials and supplies, inmate wages, staff salaries, and capital expenditures are applied against these revenues, resulting in operating income or loss, which is reapplied toward operating costs for future production.

federal Prison industries (FPI) reduces undesirable inmate idleness by providing a full-time work program for the inmate population (22.4 percent in 1992). Here than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired.

Institution factories and shops are operated by civilian supervisors and managers, training and overseeing the work of immates. The factories utilize raw materials and component parts purchased from the private sector to produce finished goods. These goods are shipped to document customers, primarily the materials and protein sand for the Veterans Administration and the General Services Administration. Institution factories mental end canvas Administration and the General Services Administration. Institution factories mental end canvas products, and provide services as data processing and funditure refinishing. Orders for potos and services as data processing and funditure refinishing. Orders for potos and services are obtained through marketing and sales efforts by civilian staff. Prices are usually obtained in negotiation with customer agencies at equipment, market prices. A portion of the earnings realized by these operations is reinvested to improve and build new facilities and purchase equipment, maintain state-of-the-art capability and provide working capital.

To operate modern factories and shops to produce products that must meet Government specifications requires extensive testing and product development procedures. Inware training is also extensive because most of the inwates have had no previous training, experience or skills. Buch of the needed training occurs on-the-job, with civilian augervisors and experienced inwates explaining and demonstrating the work to neuly assigned inwates. Where skills require more format training, such as soldering, classroom instruction is provided.

As a manufacturing concern, the Corporation makes capital investments in buildings/improvements, machinery and equipment as necessary in the conduct of its industrial operations.

Other expenses charged to the industrial manufacturing program include inmate accident compensation.

ŏ the production products are Ş As a result of private sector concerns that the Corporation was becoming an undue burden of compatition, Congress adopted guidelines new products and significant product expansion which are incorporated into statute. Before any significant production expansion or manufactured, the guideline process is conducted with full knowledge of interested parties. ACCOMPLISHMENIS: During 1992, an average of 15,432 immates were employed at 47 institutions in 89 factories. The immate amployment represents 22.9 percent of the total prison system population. Sales were 5428 million with a net operating income of \$18.6 million. Resources were provided for modernization of equipment (1992 - 83 million) and plant facilities (1992 - 84.5 million). Strategic planning continues to be the meens of preparing for future growth of the Federal Prison System's projected future appulation.

FPI is aggressively pursuing the streamlining of its organization. For example, customer processing and service were consolidated during FY 1992/1993 and moved from the Central Office to Foll Letington, KY to take advantage of inmate employment. In the same vain, engineering, product development and quality assurance functions will be consolidated and moved to one of the factory sites in FY 1994. FPI is also evaluating other Central Office administrative functions that have the potential to be relocated to a prison facility.

PROGRAM CHANGE: The Federal Prison System is requesting for Federal Prison Industries, Incorporated, in 1994 a total of 1,626 permanent positions and 1,623 workyears. This request represents a base reduction of 25 positions and workyears in 1994 (after adjustment of 23 workyears for annualization of 1993 positions) required to mest undergears fer the injections and an unchanged positions and 13 workyears for the high security facilities at Allenwood Permaylyania and Florence, Colorado. The Alenwood high security facility will receive 6 positions and 3 workyears and the high security facility at Florence, Colorado will receive 10 positions and 10 workyears.

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FEDERAL PRISON SYSTEM FEDERAL PRISON INDUSTRIES, INC. ASSESSOR OF CHARGE

Organization: Federal Prison System

Authorize Positions	.	FTE Iotel	Obligations
1993 as enected. 1,651 1993 permanent positions and workyeer reduction. (16) 1993 Appropriation Anticipated. 1,635	·	1,628 1,612 1,612	425,806
Adjustments to base:			
1992 Pay Arruelization	:	:	8
	:	:	8
	:	ສ	803
Health Denefits	:	:	305
federal Insurance Contribution Act (FICA)	:	:	2
Accident Compensation	:	:	2
Unamployment Compensation - Redistribution	:	:	٥
	•	:	223
Posts! Equipment Rents!/Maintenance	:	:	2
Postal Under-Reported Postage Use	•	:	28
Computer Security Diseater Recovery System	•	:	7.7
Employee Data and Payrol! Services	•	:	2
General Pricing Level Adjustments		: 2	22
Decresses:		;	
		:	(5,739)
10(8) Decreases	•		
Program Increase.		ŝ	000'034
Security		je.	147
Florence High Security10		위	8
Subtotel of program increases		5	ş
o achieve FTE savings		(52)	69.599
1994 Request		1,623	497,072

GENERAL STATEMENT

We are pleased to welcome, for her first appearance before the Committee, the new Director of the Federal Prison System, Kathleen M. Hawk. Ms. Hawk, we will place your biography and written testimony into the record, and ask that you proceed with your statement.

[The biographical sketch of Ms. Hawk follows:]

BIOGRAPHY OF KATHLEEN M. HAWK, DIRECTOR, BUREAU OF PRISONS

Kathleen M. Hawk was appointed Director of the Bureau of Prisons on December 4, 1992. She is career public administrator in the Department of Justice and the sixth Director of the Bureau since its establishment in 1930.

Director Hawk is a native of West Virginia. She received a Bachelor of Arts degree in Psychology from Wheeling Jesuit College, Wheeling, West Virginia in 1972, and a M.A. degree and ED.D degree in Counseling and Rehabilitation from

West Virginia University in 1973 and 1978 respectively.

Dr. Hawk began her career with the Bureau of Prisons as a Psychologist at the Federal Correctional Institution in Morgantown, West Virginia in 1976, and was named Chief of Psychology Services for the institution in 1983. Later that year Dr. Hawk was selected as a Senior Instructor for the Staff Training Academy, Glynco, Georgia.

Dr. Hawk was selected as an Associate Warden for the Federal Correctional Institution in Ft. Worth, Texas in 1985, and subsequently returned to the Staff Training Academy in Glynco, Georgia as Chief of Staff Training in 1986. Dr. Hawk was named Warden of the Federal Correctional Institution in Butner, North Carolina in 1987, and in May 1989 was selected as the Assistant Director for the Program Review Division, a position she held until her appointment as Director of the Bureau of Prisons.

Dr. Hawk was given the Attorney General's award for Excellence in Management in 1992. She is also a long-standing member of the American Correctional Associa-

The Bureau of Prisons is responsible for the confinement of more than 80,000 offenders committed to the custody of the Attorney General. As Director, Dr. Hawk oversees the operations of 67 federal institutions and six regional offices located throughout the United States. The Bureau currently employs more than 23,000 staff.

OPENING STATEMENT

Ms. HAWK. Good morning. I am certainly very pleased to be here today. I would like to introduce, if I may, Wade Houk, who is our Assistant Director for Administration.

Although this is my first time at these hearings as Director of the Bureau of Prisons, I have been with the Bureau for 17 years now, as a warden, assistant director and many other roles. I would like to express our appreciation to this subcommittee for the support you have shown over the years.

With the Chairman's permission, I have submitted my prepared statement for the record; and I would like to just summarize that today, if I may.

WELCOME TO FIRST WOMAN DIRECTOR

Mr. Rogers. Would the Director yield for a moment?

Mr. Chairman, this is the first time in the history of the country that we have had a woman director of the Bureau of Prisons, so she is historic in that respect. I think congratulations are especially in order.

SUMMARY STATEMENT

Ms. HAWK. Thank you very much.

Our total fiscal year 1994 request is for approximately \$2.3 billion, which represents a net increase of \$190 million above our cur-

rent year budget.

The major theme of our budget for this year is our need to provide safe and secure confinement for our inmate population, which continues to increase dramatically. Our current population in Federal prisons is over 76,000 inmates. We project that it will increase to over 85,000 by fiscal year 1994. In addition, we house an additional 8,000 inmates in State, local, and private contract facilities.

At the current rate of growth, we forecast that the inmate popu-

lation will be over 106,000 by 1997, just four years from now.

This growth has been the result of several factors. These include substantial increases over the past decade in investigative, prosecutorial, and judicial resources.

In addition to more inmates actually coming into prison each year, these inmates are staying longer due to minimum mandatory sentences, to the sentencing guidelines, to reduced good time allow-

ances and the absence of parole.

For example, the actual time served today for drug offenses has increased three-fold since 1985. As a result of the Federal focus on drug trafficking, the actual number of drug offense convictions has also tripled since 1981. And over 60 percent of all current Federal inmates are incarcerated for drug-related crimes. It is clear that this focus on drug trafficking has also substantially increased the number of criminal aliens in the Bureau of Prisons, which now stands at 26 percent of our total population.

In addition to increases in offenders sentenced to prison by the courts, the Bureau of Prisons has also increased its assistance to the United States Marshals Service in housing pretrial detainees throughout the country. Approximately 4,700 pretrial inmates are in BOP institutions, which equates to approximately 6 percent of

our total population.

The professional judgment of correctional administrators throughout the country for decades, as evidenced in the previous American Correctional Association standard, has been the place-

ment of only one inmate in each cell.

My predecessor, Mike Quinlan, directed a reassessment of this standard a few years ago and found it to be unnecessarily conservative and very costly. He subsequently persuaded the American Correctional Association to modify its standards on double bunking. The Bureau of Prisons, likewise, modified our standard on double bunking; and we now have a standard which allows us to double bunk up to 100 percent of our minimum and low security inmates, 50 percent of our medium security cells, and 25 percent of our high security and detention cells.

In other words, our current capacity standard means that even when we reach zero percent overcrowding, the majority of our inmates will be in double-bunked housing arrangements, which we believe to be a professionally sound decision and a much more effi-

cient use of our resources.

Our overcrowding rate today is 42 percent, which would actually equate to 70 percent under the previous single-cell standard. The single-cell standard is still the norm in most State systems. When the States talk about their overcrowding rate, it is based upon a

single-cell standard.

Our most important request is the \$112 million to activate several new institutions during 1994. Our penitentiaries have become increasingly crowded, and so this request includes the first new high-security penitentiaries to be opened in the Federal Prison System in several decades. These are the new United States Penitentiaries at our prison complexes in Florence, Colorado, and in Allenwood, Pennsylvania.

We are also requesting preliminary activation money for the new administrative maximum security facility in Florence, Colorado, which will become the highest security prison in our system and will replace our current maximum security facility at Marion, Illi-

nois.

Pretrial detention, as I mentioned, continues to increase; and so funds are requested to open new detention centers in Miami, Florida, and in Atlanta, Georgia.

And finally, we hope to begin preliminary steps at the end of fiscal year 1994 to activate three medium-security institutions in

Pekin and Greenville, Illinois, and Cumberland, Maryland.

Medical care costs are also a growing part of our budget, and we continue to pursue cost containment strategies in this area. We appreciate very much the funding provided by the Congress this year for our initial acquisition and renovation of the existing Army hospital at Fort Devens, Massachusetts. Our request of \$74 million will complete our funding requirements for construction of beds for sentenced offenders and pretrial detainees to support the medical center. This will be an outstanding example of military base reuse, as is our presence at Fort Dix, New Jersey.

We are also requesting \$28 million in partial funding for new detention facilities in the middle district of Florida and in Phoenix, Arizona, and \$10.3 million for an INS detention facility in Buffalo,

New York.

Finally, to expand pretrial detention capacity in several court districts with critical shortages, we have requested \$20 million for the Cooperative Agreement Program, CAP which is actually administered by the United States Marshals Service.

I am certainly very sensitive to the current budget situation, and I realize that this reality is in conflict with the continuing growth

of the Federal Prison System.

As the Attorney General noted during her hearings when she appeared before you, she is reviewing several strategies that could potentially have a stabilizing effect on the current rate of Federal inmate growth. I am privileged to have been asked by her to assist in some of these efforts.

But regardless of how successful we are in these efforts, there are a number of institutions now under construction which will still need to be activated in order to provide relief from overcrowding and future population increases. The institutions for which we request activation funding in this budget are at the top of that list.

I would, again, like to extend my appreciation to the committee for its support of the Bureau of Prisons. And this concludes my remarks, and I would be pleased to answer any questions that the committee may have.

[The prepared statement of Ms. Hawk follows:]

DEPARTMENT OF JUSTICE
STATEMENT OF THE DIRECTOR, FEDERAL BUREAU OF PRISONS

KATHLEEN M. HAWK
BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS
FOR THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

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I am pleased to appear before you today to discuss the 1994 budget request for the Federal Bureau of Prisons. Let me begin by expressing my appreciation for the continued support we have received in the past from the Congress, particularly this subcommittee. In recognition of the impact various external factors have had on inmate population growth, the Congress has provided necessary funding to allow the Bureau to fulfill its responsibilities as an important component of the Federal criminal justice system.

Our FY 94 request totals \$2,323,064,000 and 26,232
positions, a net increase of \$189,901,000, (6 percent), and 857
positions over our 1993 availability. Of the total request,
\$2,036,003,000 and 25,860 positions are requested for our
Salaries and Expenses appropriation; \$276,850,000 and 320
positions for Buildings and Facilities; and \$10,211,000 and 52
positions, for the National Institute of Corrections.

The theme of our budget this year continues to reflect the overriding challenge to the Bureau over the next 3 to 5 years: inmate population growth. Currently, our institution population is over 75,000. During 1994, we project it will rise to over 85,000, an increase of nearly 7 percent. If no new initiatives are implemented to either increase or decrease the current law enforcement, prosecutorial or judicial policies, we forecast that our population at the end of 1997 will be over 106,000. Thus, our budget focuses on activating facilities previously funded by Congress and providing additional capacity to keep pace with future growth.

As Attorney General Reno has indicated previously, there is little that can be done quickly to slow the growth of prisoners in Federal custody. Prisons are a finite resource, however, and we are working with the Attorney General to assess the impact of various investigative priorities, prosecutorial policies and potential changes that might reduce future growth in our inmate population.

The increase in the inmate population over the past decade and as projected into the future is attributable to four factors:
(1) criminal justice initiatives; (2) surge in the number of drug offenders; (3) increased role in housing pre-trial detainees; and (4) ever greater number of non-citizen inmates. Let me take a

moment to discuss these factors in more detail.

Criminal Justice Initiatives

During the past decade, there has been a substantial increase in Federal law enforcement, prosecutorial and adjudication activity. Time served in prison has also increased significantly, especially for drug, violent crime, and weapons offenses. These increases are a result of both legislative and policy initiatives. The combined effect of sentencing guidelines, substantially reduced "good time" allowances, and mandatory minimum sentences have dramatically increased the amount of time served in prison. For example, time served for Federal drug offenses has increased threefold, from 23 months in 1985 to more than 71 months in 1991.

These legislative and policy initiatives have resulted in a marked rise in the Bureau's inmate population. Between September 1981 and the present, the institution population has nearly tripled, from just over 26,000 to nearly 76,000. Assuming no new initiatives are undertaken that would affect the Federal inmate population growth, the Bureau currently projects a prison population over 106,000 in 1997.

The Bureau stands ready to assess the impact of proposed and Federal criminal justice policy initiatives. Such assessments would benefit those proposing the initiative by projecting the

resource implications. Likewise, planning activities at both the Department and the Bureau would be more effective if such impacts were incorporated.

Drug Offenders

The rise in the number of drug convictions during the 1980's reflects the additional resources devoted to Federal drug prosecutions. As of January 1993, 62 percent of the Bureau's inmates were incarcerated for drug related offenses. Since 1981, the number of drug offense convictions has more than tripled and the proportion of those convicted who receive a prison term has increased 22 percent. As a result, the Bureau projects that nearly 72 percent of its population will consist of drug offenders by 1997.

U. S. Marshals' Prisoners

While our primary mission is the incarceration of sentenced offenders, over the past several years, the BOP has steadily increased its assistance to the U.S. Marshals Service (USMS) in housing Federal detainees. Due to the lack of sufficient Federal detention bedspace in State and local facilities, the Federal detainee population has grown from 1,200 in 1981 to more than 7,000 in December 1992, an increase of nearly 500 percent.

Mon-Citisen Inmates

Criminal aliens represent 26 percent of the Bureau's inmate

population and are an important factor in its rapid growth. Our analysis indicates that recent increases in sentenced non-citizen inmates are attributable predominantly to Hispanic males, many of whom have been sentenced for drug law violations. The majority of these inmates come from Mexico, Columbia and Cuba. These inmates often present unique management problems, and therefore, the Bureau of Prisons supports efforts to reduce the number of non-citizen inmates in our facilities. To expedite deportation of many of these individuals, the Bureau has been working with the Executive Office for Immigration Review (EOIR) and the Immigration and Naturalization Service (INS) to establish Institution Hearing Programs at BOP facilities.

Alternatives to Incarceration

The Bureau of Prisons currently operates an extensive system of community-based alternative confinement programs. These programs provide a range of sentencing options for the courts and, where appropriate, are used to assist offenders at the end of their individual sentences in making a successful reintegration into society. During 1992, over 15,000 offenders participated in these programs. Though this budget does not contain a specific increase for these programs, we intend to continue our emphasis on and expand our use of such alternative sanctions.

Capacity Expansion

The essential ingredient in dealing with the relentless growth in our population is capacity expansion. As in the past, the additional capacity requested in this budget addresses two priorities: keeping pace with the projected population growth and reducing the rate of overcrowding in our current institutions. The former has already been addressed; let me provide more details on the latter.

For decades, the national, professionally accepted rated capacity standard was one inmate per cell or cubicle. This single cell policy was included in the accreditation standards promulgated by the American Correctional Association and has been used by numerous Federal District Courts in conditions of confinement cases involving state and local correctional facilities. In 1988, my predecessor, Mike Quinlan, directed a review of our policy and practice regarding double bunking at different security levels. He also successfully persuaded the American Correctional Association to modify its standard to allow selected double bunking.

Our revised rated capacity policy provides for double bunking, within prescribed minimum space requirements, as follows: Minimum security, 100 percent; Low security, 100 percent; Medium security, 50 percent; and High security and Detention, 25 percent. The effect of this policy has been to

increase our rated capacity to date by nearly 9,000 beds at virtually no cost.

The future budget requirements avoided by this policy change are substantial. Its implementation, however, has not actually reduced the number of inmates who live in crowded conditions nor has it made our institutions any easier to manage. Let me put it in perspective with this comparison. Under the single cell standard, our current overcrowding would be 70 percent instead of 42 percent. By 1997, when we project our overcrowding will be reduced to 4 percent, it will still be the equivalent of 40 percent under the prior standard.

Activating Additional Capacity

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As you know, since 1989, Congress has appropriated substantial resources to add capacity to the Federal Bureau of Prisons. Funding approved by the Congress for new construction, for conversion of surplus facilities and for expansion of existing facilities will eventually add about 50,000 new beds by the end of 1997. Approximately, 30,000 of these beds are currently under development and will be ready for activation between 1995 and 1997.

For 1994, our activation request is \$112,000,000. With this budget, we will be activating the first high security

penitentiaries in three decades. As the high security inmate population has continued to grow, the crowding in our penitentiaries has become acute. The activation of the penitentiaries in Allenwood, Pennsylvania and Florence, Colorado will alleviate this critical situation. Also requested for funding is the activation of detention beds at the Federal Detention Center in Miami, Florida and the United States Penitentiary in Atlanta, Georgia. We also propose to activate a medical care unit at the Federal Correctional Institution in Fort Worth, Texas and to complete the activation of a low security institution at Fort Dix, New Jersey, where the Bureau has successfully initiated the conversion of a base closure property to correctional use. Together, these activations will add over 4,600 beds to our capacity. We are also requesting initial activation funding for an Administrative Maximum-Security Penitentiary in Florence, Colorado and three Federal Correctional Institutions in Pekin and Greenville, Illinois; and Cumberland, Maryland.

In addition, to address the growth in the non-citizen population, we are requesting \$5,000,000 to fund one-quarter year operations of a joint BOP/INS private contract facility in Arizona, which will provide 500 beds for each agency's alien population. This consolidated function will support an expedited deportation process, similar to the current operation at Oakdale, Louisiana.

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Capital Investments in Additional Capacity

The Bureau continues to experience substantial increases in its medical care costs. For 1994, we estimate that our medical costs will be 13 percent of our total operating budget. We are concerned about this escalation and continue to pursue cost containment strategies. Among these strategies is increasing the availability of in-house medical capacity.

As you know, the Congress provided us funding last fiscal year for the initial acquisition and development activities at Fort Devens, Massachusetts, an installation on the Base Closure list. We are very excited about the re-use potential Fort Devens holds for us. The transfer of the existing Army hospital to the Bureau will provide us with an economical increase in our inhouse medical capacity. Our request of \$74,600,000, when combined with the funding provided in 1993, will fully fund our requirements at Fort Devens. When completed, this facility will provide capacity for sentenced offenders and pre-trial detainees, in addition to the medical beds which will service a region of the country where additional capacity is urgently needed.

Also requested is funding to increase detention capacity. For the Middle District of Florida and Phoenix, Arizona, \$20,000,000 and \$8,000,000 are requested respectively for the partial costs of two Federal detention centers which would add over 1,500 additional beds.

To expand pre-trial detention capacity in several court districts with critical shortages, a \$20,000,000 increase is requested for the Cooperative Agreement Program, which is administered by the United States Marshals Service. This program was recently evaluated by GAO and found to be very cost effective. Use of Cooperative Agreement Program funds provides the government greater leverage and flexibility and reduces the pressure to construct Federal detention facilities.

Also requested is \$10,300,000 for a joint INS/USMS detention facility in Buffalo, New York. INS Enforcement activities, especially as it relates to criminals, have been hampered by the lack of available detention capacity near the western New York/Canadian border. Further, the pre-trial detention capacity in this district is very limited. Construction of a joint detention facility will provide much needed capacity in a cooperative, efficient manner.

Maintaining Existing Facilities

Many of our existing institutions are old and in need of regular repairs and upgrading. For 1994, an additional \$33 million is requested to fund 21 improvement, renovation, utilities, hazardous waste and energy savings projects at 20 institutions, whose average age is 46 years.

Mational Institute of Corrections

The National Institute of Corrections is requesting \$10,211,000 including a program decrease of \$273,000 as its share of administrative efficiency reductions. Though funded at a slightly lower level than last year, the National Institute of Corrections will continue its efforts to: improve and strengthen jail, prison and community corrections operations; increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration; respond to information requests; and upgrade the skills of corrections personnel.

Summary

In summary, our budget request reflects our sincere efforts toward efficiency and cost containment, while continuing to provide effective public protection, humane care for our inmate population and a safe working environment for our staff. I am proud of our reputation as a lean organization. As reported by GAO, we operate our institutions with 27 percent fewer staff and at 13 percent less cost than comparable state correctional facilities. I am committed to continuing efforts to make us an increasingly cost effective organization.

We are very sensitive to the budget constraints the Administration and Congress face. One clear dilemma is the fact that budget realities appear to be in conflict with the continuing growth of the Federal Prison System. As I mentioned

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previously, we endorse reasonable efforts to reduce or stabilize the rate of growth in our inmate population. Even if this is accomplished, however, there are quite a number of institutions currently under construction which must be completed and activated to provide us relief from overcrowding and future population increases.

I would like to thank you, Mr. Chairman, and Members of the Subcommittee for your continued support. This concludes my prepared remarks, and I would be pleased to answer any questions you or your colleagues may have.

PRISON ACTIVATION/FTE REDUCTION

Mr. Smith. Now, you plan to activate eight new prison facilities and to expand four existing facilities, but your request is for less

personnel. Please explain how you will do this.

Ms. HAWK. Well, we, obviously, have to absorb some of the reductions in FTEs that have been required throughout all of government, throughout all of the Department of Justice. And we realize that it is going to be a definite challenge for us to be opening the new facilities and working with a lower number of FTEs.

We are really going to have to look very carefully at the positions that we do utilize with a primary focus on the safety and security of the institutions and the necessary programs and functions

that must be provided in terms of food service and medical.

It will be a challenge. But that is also why we are hoping that this subcommittee will recognize our need to be able to obtain the positions that we are asking for in this budget.

POSITIONS REQUESTED FROM OMB

Mr. Smith. Did you ask OMB for more positions?

Ms. HAWK. We aren't at this time.

Mr. Smith. What was your request to OMB?

Ms. HAWK. Oh, you mean originally? Yes, we did. Initially we asked for more positions.

Mr. Smith. How many?

Ms. HAWK. It was over 2,400 more than what is referenced in the budget.

USE OF CLOSED CIRCUIT TV VERSUS MORE PRISON GUARDS

Mr. Smith. To what extent are you using closed circuit TV?

Ms. HAWK. We use closed circuit TV for major program areas; and we use it a lot in visiting room areas, in large congregation areas. We use it a fair amount in movement areas. And the cameras are——

Mr. Smith. Why don't you put it in the cells? We have been talking about this for 10 years now. We are way behind in the use of

electronic media.

With closed circuit TV, you can have somebody sitting somewhere and watching all day long instead of so many guards trying to watch them.

Ms. HAWK. Well, we do have the closed circuit TV in our segregation areas, which would have needed the higher number of staff

support.

Mr. Smith. What is to keep you from putting it in the cell? You are talking about double bunking, and then you wouldn't have to have so many guards walking up and down. You are going to have less guards; you are going to have more pressure on personnel. So

why aren't we using closed circuit TV?

Ms. HAWK. That is a very good question, Congressman. But when you consider our staffing patterns, if we have a housing unit and roughly 300 inmates in that housing unit, we manage that basically with two correctional officers because our institutions are designed in such a way that the officers can place themselves—or as

they move about the unit, they have visible access to much of the unit.

VIOLENCE IN CELLS

Mr. Smith. How is there so much violence in the cells?

Ms. HAWK. We don't have a lot of violence in the cells. We do have some, and that is guaranteed. But, even if it were being witnessed on the closed circuit TV, staff would then be summoned to assist; and the violence would have been initiated by the time staff had gotten there. We could then break it up, which we do with the staff that are present right now.

Where we use most of our staff for oversight are in recreation areas, food service areas, where there is a large congregation of people. The closed circuit TVs we use are to supplement our staff and, therefore, we don't need as many of them. We feel the mixture of the two is what really provides us with the security that we need. However, looking at other areas to utilize this technology would be very worthwhile.

Mr. Smith. Well, in a period in which you are going to have less personnel, if you are going to open 25 new facilities in the next four or five years, you are going to have real pressure on personnel.

Ms. HAWK. Absolutely.

INMATE TO STAFF RATIOS

Mr. Smith. And it seems to me that you have to think about using closed circuit TV any way you can. You say you have only two guards watching how many inmates?

Ms. Hawk. In most of our housing units where we have anywhere from 150 to 300 or so inmates, we usually staff those with two correctional officers on the day and evening shifts and usually one on the midnight shift.

Mr. Smith. Can they observe all of them in their cells?

Ms. HAWK. Not at every moment, absolutely not.

But even if someone were trying to watch the cameras in each cell, the cameras would be flashing from cell to cell also. But we require the officers to keep moving around the unit.

FREQUENCY OF INMATE SURVEILLANCE IN UNITS

Mr. Smith. How often do they observe?

Ms. HAWK. It is required of our correctional officers that they be moving most of the time and be moving about the units.

Mr. Smith. But how often would the guards get past each unit

Ms. HAWK. It would depend upon how many cells are actually there. The reality is the inmates are not in their cells a lot of the time. We allow the freedom of movement.

Mr. Smith. At night they are locked?

Ms. HAWK. At night they are, yes.

OCCURRENCE OF VIOLENCE

Mr. Smith. And that is when violence occurs, isn't it?

Ms. HAWK. Not normally. The violence usually occurs in the evenings when they are interacting with each other and get into arguments with each other, oftentimes over TV sets.

Mr. Smith. That is when the violence occurs that you know about?

Ms. HAWK. That is true.

CLOSED CIRCUIT TV

Mr. Smith. You hear so much about violence in the cells, in each cell one inmate becomes the boss—the things they do to the others. I just wonder, we have been talking about closed circuit TV for years; and it always seems like to me—maybe it is just my perception—but it always seems to me that for some reason, the prison system never wanted to use closed circuit TV to the extent that it can.

Ms. Hawk. Well, we do use it to a fair extent. We do not presently use it to the extent that you are speaking of. But as you indicate we must look at how we are going to deal with less staff. We do need to be more creative and really look at ways to spread the staff as widely as possible.

Mr. Smith. Even if you are flashing on one cell at a time, you can see a lot more that way than you can walking down the hall.

Ms. HAWK. Sure. Yes. sir.

Mr. Smith. But anyway, you have a real problem coming up; and it is going to get worse, much worse, with the budgets the way they are and opening these new prisons which are needed. Everybody is eager to vote for a prison, but it is a 10 percent outlay for whatever we authorize the first year; and after that, they want to know, why are we spending so much money on that prison. But we have a lot of them going now, and that means it takes personnel. Last year, as you know, we had five open and only had money for two. We could have opened five, but we went to two because we didn't have the money to open them.

Well, you have a big job to try to figure out how we are going to do all this, unless, for some reason, we quit prosecuting. And I don't see where that is going to happen, because with an increasing population, we are going to have more and more people. We are bound to have more people.

Mr. Rogers?

STAFFING LEVELS

Mr. Rogers. Thank you, Mr. Chairman. Again, congratulations on your selection.

Ms. HAWK. Thank you very much.

Mr. Rogers. Now, I gather that when you made your OMB request, you requested the total number of positions that it would require to operate these new facilities that are coming on line in 1994 at more or less the same staffing levels as the existing system.

Is that correct?

Ms. HAWK. Yes, sir.

Mr. Rogers. And they didn't give it to you?

Ms. HAWK. No, sir.

FACILITIES SCHEDULED TO OPEN FY 1994

Mr. Rogers. How many new facilities are you capable of opening up in fiscal 1994?

Ms. HAWK. We have seven new institutions that will be physical-

ly ready to open in 1994.

Mr. Rogers. Now, if you are given the amount of money that OMB has requested here, will that enable you to open up those seven new criminal institutions?

Ms. HAWK. It would enable us to open up three of them within the first quarter. The remaining four, if we receive the monies that we are requesting here, we would be able to open the institutions

in, roughly, the last month of the fiscal year.

Mr. Rogers. Even though they would have been ready for open-

ing.

Ms. HAWK. Yes, earlier in the year. Mr. Rogers. A year earlier, almost?

Ms. HAWK. Not the full year for each of them. They would have been staggered over the year.

OVERCROWDING

Mr. ROGERS. At what over capacity are you right now in the system?

Ms. HAWK. We are at 142 percent of our capacity right now. That is, again, at the double-bunking standard. So if we used the old single-bunking, it would be 170 percent of capacity.

SAFETY QUESTIONED AT LOW STAFFING LEVELS

Mr. ROGERS. You are over capacity, and you have some new prisons ready, able to be opened, and yet OMB has not requested the funds and is not going to do that.

Ms. HAWK. Yes, sir.

Mr. ROGERS. Well now, with the funding level that OMB has set for you, does that pose any safety problems for your personnel?

Ms. HAWK. Our primary concern with whatever staffing levels we have and whatever resources we have is to make sure institutions stay safe and secure, both for the staff, the communities, and the inmates.

What we end up having to relinquish are some of the programmatic areas that are very, very positive in terms of us being able to control the inmate population in a positive way and hopefully affect them in some way upon their release in terms of being a more positive contributor to society.

But whatever resources we do end up with, we make sure that

those are all directed toward a safe and secure institution.

Mr. Rogers. Well, in spite of the increase in the number of prisoners that you are having to house, or rather the eight new prison facilities, and four expanded facilities, as the Chairman has said, the staffing level is going to be less than it is now.

Ms. HAWK. Right.

Mr. ROGERS. What I am trying to get at here is: Are we being penny wise and pound foolish in terms of safety?

For example, I am told that there are some places where the prison guards are picketing outside the prison to protest current budget cuts which they believe compromise their own safety and the public's safety.

Does that concern you that we would be spread even thinner

than now?

INFORMATIONAL PICKETING

Ms. HAWK. It does concern me, obviously. And there are a couple of our institutions where they have been doing what they term "informational picketing," to go on record with both the Bureau of Prisons as well as their congressional representatives in their areas, that they are very concerned about what the budget fore-

bodes for the Bureau of Prisons in the years to come.

As I indicated, we try to manage those resources and we keep assuring the staff that we focus on making sure that the resources we have available are there for security. There is no question but that the next few years are going to be very challenging for us, because the inmate population is undoubtedly going to go up and the resources are clearly not going to be quite as plentiful as we would certainly like for them to be and that could guarantee the greatest level of security.

POPULATION INCREASE, PRISON ACTIVATION AND CONSTRUCTION

Mr. Rogers. Well, as a matter of fact, you are anticipating that your prison load would be 106,000, I read?

Ms. HAWK. By 1997, yes, sir. If it continues at the rate it is going. Mr. Rogers. Which is an enormous increase, not to mention the new facilities that you are having to staff.

Ms. HAWK. Right.

CONSTRUCTION/ACTIVATION FUNDING

Mr. Rogers. Well, that is why I find it difficult to comprehend why \$142 million is being requested next year to construct even more new facilities when we can't even adequately fund an activa-

tion of the prisons already built.

Ms. HAWK. That is a very good question. If you look at the facilities this funding will provide for, one of those is to support the medical facility at Fort Devens, which will provide very desperately needed medical beds. Without that facility we would have to contract these individuals out into the private community and pay much greater amounts than it would cost us to be able to run our own medical facility. So the medical money is going to have to be expended one way or another to meet the medical needs of the inmates.

Each of the other requests are for special kinds of facilities, not

our normal sentenced offender facilities.

Some of the money is for an INS facility that would aid them on the northern borders, the Canadian borders, and would be placed in Buffalo, New York. The activation and operating monies for that facility would be refected in INS requests in the future. The other monies are mostly detention monies to assist the Marshals Service.

IMPACT OF DEPARTMENTAL REDUCTIONS ON PRISON POPULATION

Mr. Rogers. Now, do your estimates of increased prisoner population and overcrowding take into account the fewer number of Federal investigators, prosecutors, and so forth, huge cuts in the Justice Department, across-the-board, mandated by the President in his executive order?

Ms. HAWK. They do not yet, because, as you know, these cuts are very recent; and we are not 100 percent certain yet what the

impact is going to be.

We are working very closely, though, with the Attorney General who is very interested in reassessing the prosecutorial policies and the law enforcement policies of the Department of Justice. If adjustments are made there, that will definitely impact the number of inmates coming into our system; and we would, therefore, adjust

our population projections.

An important thing to remember, if I may, sir, is that our population is driven by two factors. One is the people coming in, in terms of law enforcement and prosecutorial policies. The other is the very, very long sentences of the inmates we currently have. So those numbers are not going to change because we are going to have most of these people for a very, very long time. In fact, 90 percent of our projected population are offenders who we already have who have to serve out the rest of their sentences.

So the incoming adjustments will help, but they won't make a dramatic adjustment in our population projections.

INVESTMENTS

Mr. Rogers. Now, I am puzzled. You are cutting staff levels in 1994—from your 1993 level. But then you ask for additional staff for the very same purposes as an "investment" proposal.

Now, why are you cutting staff and then requesting staff be

added back as an investment?

Ms. HAWK. Some of the cuts we had to make are from our 1993

base of positions.

So, actually, when you look at the number of positions we had in 1993, we really were not able to fill all of those. We did not have the funding to fill all of those in in 1993. So the actual FTE level for 1994 would be higher than the level we were actually able to utilize in 1993.

We had to make our contribution back, as did all the other components in the Department, I believe, throughout the government in 1993 of giving back FTEs. I believe we took a cut of approxi-

mately 2,200 in 1993 and 1994.

With that cut, though, we realize we are not going to be able to open the new facilities that you are talking about. And that is why we are saying, okay, we absorb that cut, and we keep that cut in 1994, but we still need to be asking for some more in 1994 for the new facilities.

I understand why you are a little confused because it is a very difficult situation.

Mr. Rogers. Well, that is mandated by OMB, is it not?

Ms. HAWK. Yes.

Mr. Rogers. And what they term an investment, I am more puzzled every day by what they mean by that. It seems to me that what that means is that if you can find the money somewhere else and cut spending in order to fund this investment, then that is what we want you to do, OMB says.

We are not going to raise the statutory spending caps in order to accommodate more spending, so we have to find spending cuts somewhere else in an already bare-bones budget to fund this socalled investment. Which I think they mean as a luxury, sort of.

But I don't think it is a luxury to have these prisons sitting there empty without the money to fund the start-up of those prisons while we have 170 percent overcrowding, by one definition, in the existing system. That, to me, is not a luxury. That is an absolute requirement.

Do you agree or disagree with that?

Ms. HAWK. Well, I certainly understand what you are saying, sir.

I believe that the placement of investment was done by OMB.

We simply asked for the monies and the positions. They made the determination that it would be placed in the investment category. My only assumption is the belief that by opening a new institution you are providing new jobs, you are contributing something to that community in terms of resources and jobs. And that is the reason why it fell into an investment category. I am not sure I fully understand it either, sir.

Mr. Rogers. Well, let me ask you further: You are requesting a \$34 million increase as an investment item for things like food and medical care and transportation and those types of things associated with the increase in population prisoners in 1994, and that is

counted as an investment.

How in the dickens can anybody call food and medical care for prisoners a luxury?

Are we going to starve these prisoners if we don't get this invest-

ment spending somewhere else?

Ms. HAWK. I can only attempt to try to deduce what the logic was. I have not asked for an explanation from OMB on that.

PROBLEM WITH INVESTMENT CLASSIFICATION

Mr. Rogers. Well, OMB is requiring us, through your budget request—and I realize this is not your doings—but what they are saying to us is, look, Appropriations Committee, you have to find the money to pay for food and medical care for prisoners somewhere, so cut some other program. We are not going to put it in the regular budget; cut some other program; find an offset, or you are going to be blamed for not funding the food and medicine for prisoners of the United States.

Now, to me, that is getting pretty close to blackmail, and I resent it. And I just think that they ought to be coming up here and saying, we understand you have a problem; we suggest you cut here or cut there to help us out. But, no, they say, no, that is your business; you go ahead and do it. Well, we have to do it. We have to find money for the food and medicine and transportation and all of the mandatory items that you have to deal with. And we can't afford to treat it as a luxury or as an investment.

So I guess I am talking through you to somebody else. But it really boils my blood.

ALTERNATIVE REDUCTIONS

Mr. TAYLOR. I have some suggestions.

Mr. Rogers. Well, I have a couple of suggestions, too. For example, the White House wants us to send money over to the International Order of Epizootics. That is not a luxury they say.

So I am really puzzled about what is going on down there.

Well, I have said enough. I will yield back.

MANDATORY SENTENCING

Mr. Smith. We have another Agency coming up, so for this first round anyway, let's try to keep the questions to a reasonable amount of time.

Mr. Mollohan. Mr. Chairman, I will certainly do that. And I will take a little bit of my time to welcome Ms. Hawk and congratulate her. She is from my district, I am proud to say. We are leaning forward back there.

Ms. Hawk, there has been a good bit of testimony coming from a number of directions expressing concern about the mandatory sentencing. Concerns have been expressed by judges back in West Virginia about mandatory sentencing as it applies to them or as it affects their discretion in sentencing. We have had testimony from a couple of different witnesses commenting on it.

I would be interested in your thoughts on the mandatory sentencing policy, just generally what you think about it, and whether it has a positive or a negative impact in your position.

Ms. HAWK. The mandatory minimum sentences certainly are one of the factors that have had a dramatic effect on our population growth.

As I indicated, the inmates are doing a much longer amount of time than they have historically. And, in fact, for drug trafficking, the amount of time that they do has increased three-fold since prior to the mandatory minimums.

Most of the mandatory minimum sentences that have impacted us have all centered around drug trafficking, even though there are mandatory minimums for violent offenders and weapons charges and some other things.

Most of the impact on us has been the drug trafficking. I know we have had numerous discussions with the Attorney General, and that is one of the areas that she very much wants to work with us, the Department, and the Congress in terms of looking at perhaps another approach to the mandatory minimums that will not lose the intended effect of making sure that the individuals who are really the ones who so negatively impact our communities, and the violent offenders and the ones who really prey on the misery of others, that those people do go away for long periods of time.

So we may have spread that umbrella a little too far, and there may be value in reevaluating the mandatory minimums of some of the individuals who may be affected by them. But that is an area that we are closely working with the Attorney General on.

RECOMMENDATIONS ON MANDATORY SENTENCES

Mr. Mollohan. When you talk to the Attorney General, what will be your recommendations about who mandatories ought to be applied to and what kind of offenders they should not be applied to?

Ms. HAWK. Well, obviously, we don't want to affect mandatory minimums with the violent offenders, the habitual offenders, those that have proven that crime is their life and they really create very negative situations for the average citizen.

The ones that we are primarily looking again at are in the drug trafficking category in terms of the amounts of drugs and their role

that an individual might play.

Right now it could be as the Attorney General keeps referencing the boat people. One could be simply a handler on a boat coming into this country with drugs on it. They are not a major part of the trafficking operation. They are not a part of the management and leadership. They are really just a worker bee. Right now, because of the amount that might be on that boat, they are getting caught up in long mandatory minimum sentences. It's the same for individuals on the street who are simply mules carrying for others.

We are finding a lot more women coming to jail right now. Many of those are single mothers who are trying to make extra money to care for their children. They are carrying drugs for others. They are not big time dealers. They are not major movers in the organization. But because of the amount of drugs that they have on them at a given time, they are getting caught up in the mandatory minimum standard that is placing them in prison for long periods of time, wherein justice may well be served in a better way if alternative kinds of programs were available to them that didn't let them off with nothing, obviously, but that maybe had impacted their reasons for getting involved in crime, either drug treatment or other kinds of survival skills, things that could be made available to them that would have, perhaps, a better impact on justice and be less costly.

ALTERNATIVE SCENARIOS

Mr. Mollohan. What kind of an impact would it have on your system if those that you have described—not the violent and the habitual—but the offenders who get caught up in possessing quantities, that sort of situation, if they were eliminated from the system. How many would be eliminated from the system if the guidelines which you allude to were implemented?

What kind of an impact would that have on your population and

vour budget?

Ms. HAWK. We have been doing a lot of projections on "what ifs," you know, if this were modified, what the affect would be of that if that were modified. And what it depends a lot on is where one chooses to draw the line in terms of how much drugs or what type of a role really makes that difference in terms of who should go in for long periods of time and who should not.

So it really depends on where you draw the line. One of the lines that we drew, though, was a relatively conservative line. It would

take approximately 1,600 out of our current population of 76,000,

immediately divertible that we currently have.

But a larger factor is that 10 percent of the inmates coming in during any given year would fit into that category. So it would not have an immediate and dramatic effect today, but it would be one of the things that would gradually begin to slow the growth rate of our population over the next several years.

Mr. Mollohan. In that criteria, how does the use of handguns

impact the system?

Ms. HAWK. We would not want to change the current—

Mr. Mollohan. Do you want to make them eligible for a mandatory sentence?

Ms. HAWK. Yes.

Mr. Mollohan. Are you changing that within any of your suggestions?

Ms. HAWK. No. We are not factoring that in at all.

Mr. Mollohan. So handguns, violent and habitual offenders—

Ms. Hawk. Right. Those are the ones we definitely want to keep. And then the big time drug offenders, who are really preying on the misery of others, are the ones we definitely want to see sent away. We need to make sure we have bed space available for those.

With the large numbers of the other ones coming in, it is weakening our availability of bed space for those who truly need to be

in prison for long periods of time.

Mr. Mollohan. Thank you, Ms. Hawk.

Thank you, Mr. Chairman.

PERCENTAGE OF VIOLENT OFFENDERS

Mr. Smith. Mr. Moran.

Mr. Moran. Thank you, Mr. Chairman.

That is the same line of questioning I wanted to pursue. Do you have any proportions—it makes so much sense for somebody that commits crimes with a handgun, violent and habitual offenders, and then the big drug kingpins.

But what portion of the Federal prison population does that rep-

resent?

Ms. HAWK. If you are talking about the weapons and the habitual offenders, it is not a large population, because 60 percent of our current population is in for drug offenses.

Mr. Moran. But drug offenses can include those?

Ms. HAWK. Can include those, absolutely. They can be ancillary to the primary charge that they have.

I don't have those figures here today, but we would be very happy to work those out for you.

Mr. Moran. I would be interested in that.

[The information follows:]

PERCENTAGE OF VIOLENT OFFENDERS

Approximately 11.5 percent of the inmate population is incarcerated for violent, firearms, explosives or arson offenses.

INVESTMENT CLASSIFICATION FOR PRISON INCREASES

Mr. Moran. Those are the people that should be in Federal prisons, not this other group. I agree with Mr. Rogers and I suspect with the Chairman as well, that it just doesn't make sense that we are burgeoning this Federal prison population and here we are cutting the numbers.

This investment stuff is becoming a bunch of bull. We had something, what, last week, that they were calling an investment? What

was it?

Mr. Smith. They were taking out part of the base in many instances, and putting it over into the so-called investment package.

Mr. Moran. What a sham. Yes, the Marshals. There was an investment.

Anyway, let me get back on track here. I want to welcome you as well.

Ms. HAWK. Thank you.

SEX, CONDOMS, AIDS, AND ABORTIONS IN PRISONS

Mr. Moran. You are another Janet Reno-type of appointment: We have a woman; we have somebody that has proven herself, who has worked her way up and is just so eminently qualified. So it is really a great appointment. And I know that my colleague, Mr. Mollohan, here is very proud that you are from his district. All of us would be if you were from ours as well.

Ms. HAWK. Thank you.

Mr. Moran. I want to follow up on what the Chairman was talking about, the supervision. He was talking about the violence. I want to talk a bit about the sex.

A couple of weeks ago, I spilled a cup of coffee on my lap reading an article where there was this demonstration—and there were a number of them—outside prisons. But they were arguing for ready availability of condoms in the prisons. And then there were some experts who were saying, well, of course we ought to be having condom machines in all of the bathrooms and so on.

This is not Club Med we are talking about; I can't imagine why we are having such a problem with AIDS spreading throughout the

prison population.

And then the other thing is that there is an issue with regard to abortions in prisons, women's prisons. And I personally think that that should be an option available. And I can understand if women are pregnant when they come in. I can't understand that we have women who have gotten pregnant while in prison. I mean if they have been incarcerated for more than nine months and then are pregnant, there is something wrong here.

Can you address that, Ms. Hawk?

Ms. HAWK. I would like to say that all of those issues you are referencing occur only in State systems.

Mr. Moran. Okay. You would like to say that, but you can't?

Ms. HAWK. I will say that most of the articles that you are seeing—and when you see projections of large numbers, the incidence of those situations occurring—not sexuality in general but women becoming impregnated while they are in jail, AIDS trans-

mission within institutions, our rates are extremely, extremely low, because we guard very carefully against those kinds of things.

We did have a fair number—I won't say a fair number. It is still very, very small—but more than we wanted to have, of women becoming impregnated while in jail when we had some co-correctional institutions.

We realized—the wisdom finally came to us that that is not the best way to run institutions because you create extra problems. But the rate of HIV transmission within our institutions, the convergence of people that come in who are not infected and become infected, is almost zero. There are some that we find do convert. But most of those convert within the very early stages of their incarceration, which suggests that they had actually been infected before they came to us and it didn't show up in their system until later. Our conversion rate is extremely low. It is less than a percent. It is point zero something or other.

HOMOSEXUALITY IN PRISONS

Mr. Moran. I am glad to have that clarified, that it is a State prison population. Because, generally, the articles don't differentiate.

Ms. HAWK. There is homosexuality in prison, in male prisons and in female prisons. Even in our co-correctional institutions, we had homosexuality occurring. So there is no way to totally stop all of that. We do guard very carefully, and it is the point you were making, Mr. Chairman, where it is forced. We try to watch very carefully who we place in cells together so that we don't place a vulnerable one with a predator. We guard very carefully against that, but we are not always successful. We would like to be, but we are not. But our numbers are very, very low comparatively.

Mr. Moran. So there is no need to have condom machines in

Federal prisons?

Ms. HAWK. We have certainly not been one of the ones to get condom machines in prisons, no.

COST OF ILLEGAL ALIEN INCARCERATION

Mr. Moran. Okay. Good. Thank you.

The fact that 26 percent of our population are illegal aliens, the fact that we are paying for their incarceration, couldn't we get some kind of—at least if we are going to pay it, can't we bill these other governments, take it off their foreign aid or any kind of assistance that they get to reimburse us for the cost of incarcerating these people?

Ms. Hawk. That is a very interesting proposal. We do have cooperative agreements with many countries whereas if we are holding their citizens, their country will take them back and let them serve the remainder of their sentence over there, and vice versa. The

trick to it, though, is that the inmate has to agree to go.

Mr. Moran. The inmate has to agree to go? If they don't want to

go back, they don't have to go?

Ms. Hawk. Right. They have to request it. The sentence is actually imposed in our country, and we have the responsibility of housing them during their time of incarceration.

What happens is most of the inmates want to stay with us. The country's correctional system that they would be going back to is far inferior to ours, so they are living a much better life in our jails than many of them would live in their home communities.

Mr. Moran. I can understand that, but I am just a little puzzled that we would offer a freedom of choice of prison policy to these

Ms. HAWK. It is not a choice that we make. It is a bilateral

agreement with the countries.

Mr. Moran. Well, I have lots of other questions, but I have gone a little beyond my five minutes I know. So I will yield back.

CHOICE OF PRISONS FOR ALIENS

Mr. Smith. Mr. Taylor?

Mr. TAYLOR. Well, we could probably fund the condom machines and refer to it as investments, I guess, in the prisons.

I agree with the gentleman's frustration about choice. I thought

it was a prison rather than having this many choices.

I would like to point out that while—Dr. Hawk, while may be from another area, we cured her of that in North Carolina, and she became an official Tarheel. That is where her real advancement started.

What are the alternatives with aliens? I know you mentioned the mutual agreements that we have. What other alternatives do we have, since that is 26 percent of our prison population; and most of it is tied to drugs?

Would you say those drug offenses are of the minor category? Or are those major? I can't believe we get major players coming into

this country and get access to them.

Ms. HAWK. It is a mixture of both, actually, if you think of some of the Colombian drug lords we have managed to get incarcerated in our systems. So it is a mixture. But there is a fair percentage of the alien population that would fit into the divertible group that we talked about earlier.

If I could correct one thing—and maybe I was not real clear earlier-not all of the 26 percent are illegal aliens. The majority of them are. And the majority of them will be deported. There are some, though, that have family or support in this country and will be granted approval by INS to stay in the country. But that is a relatively small portion. But I just wanted to make sure I said that.

SOME CRIMINAL ALIENS ELIGIBLE TO STAY IN U.S.

Mr. TAYLOR. You mean after they committed the crime, they

would be granted the right to stay here?

Ms. HAWK. Some of them can be, if their crime is not a violent crime or if it is a relatively minor crime and they do have strong supports.

Mr. TAYLOR. I presume we are talking about felons?

Ms. HAWK. Yes, sir.

Mr. TAYLOR. In other words, as an alien, I can commit a felony

and still be admitted into the country or given citizenship?

Ms. HAWK. These would be individuals that had already received some permission to stay in the country prior to the offense.

Mr. TAYLOR. I understand. I have a green card or whatever, I am here legally at the time, but I am applying for citizenship, I

commit a felony, and I can still become a citizen?

Ms. HAWK. I don't want to profess to be an expert on INS. I don't want to mislead the committee. But I do know that not all of the 26 percent will definitely be deported, although the vast majority of those will be.

I just wanted to correct this: About 90 percent of the 26 percent will be deported, no question. There are some ways in which the remainder manages to stay. And I just wanted to make that clarification.

MARSHALS DETENTION PROGRAM

Mr. Taylor. Thank you.

In the Marshals prisoner program, which is a growing program for us, what is the compensation to State or local jails where they have been housed to a large extent?

Do we make that attractive for local jails to house those prison-

ers which would take many of them out of our system?

Ms. HAWK. The problem—most of the jails really appreciate the money that they get from the Marshals Service because it assist

them tremendously.

The reason why the Bureau of Prisons has become more and more involved in this is that the areas where they need the bed space, the local jails are full, because they are having their own overcrowding problems. So a lot of the large urban areas are the areas that are heavily populated themselves. And so the jails just no longer have the bed space to offer to the Marshals Service. The jails, for the most part, around the country, really look toward the CAP program from the Marshals to bring them extra monies. But they are just full.

Mr. TAYLOR. Is it sufficient to be attractive, given new facilities? The reason I say that is because many of our counties are starting jail programs because of the pressure that you are talking about. Some might provide facilities if they had a reason to believe that they would have some population from the government with

an adequate compensation.

Ms. HAWK. If I may, I would like to defer that question to Wade, because I am not sure of the specific amounts that they are reimbursed.

Mr. Houk. I just might add, Congressman, as the Director mentioned, within our budget request is a request for an additional \$20 million for the cooperative agreement program, which is actually administered by the Marshals Service. And I think that that is actually a program that will help the Federal Bureau of Prisons because many of those jails will be able to get grants under the CAP program and then, consequently, provide additional bed space that the Marshals can utilize and we won't have to provide to them.

Mr. TAYLOR. Thank you. Thank you, Mr. Chairman.

SECURITY LEVELS

Mr. Smith. You have how many different levels of security?

Ms. HAWK. Six.

Mr. Smith. This 60 percent of drug offenders, what levels of security are they in? Do you have a breakdown of that?

Ms. HAWK. They are really scattered throughout. With it being

65 percent, they are really scattered throughout.

Although if you look at the other offenses that are beyond the drug offenses, when you get into the violence, the kidnapping, the murders, those would tend to be at the much higher security levels.

Mr. Smith. Now, do they graduate to a lower degree of security

for the drug offenders fairly rapidly or not?

Ms. HAWK. I wouldn't say fairly rapidly. If they have a long sentence, it takes a significant amount of time to work their way down.

What we try to do is, as they get closer and closer to release, if they are doing well and if all indications are we are not going to have problems from them, we will try to get them down to lesser and lesser security levels to assist in their eventual release.

Mr. Smith. With this increase in population we are having, is a

greater percentage of them in lower security?

Ms. HAWK. It is hitting about right in the middle. If you look at our projections, it is around the medium, you know, kind of hitting a bell curve. The mediums are the highest, and then it flows downward in both directions.

Mr. Smith. Are the new facilities that are needed spread throughout the six levels or are more of them on the lower level?

Ms. HAWK. The new ones we are asking for in 1994?

Mr. Smith. Yes.

Ms. Hawk. Our most severe need in 1994 are the penitentiaries. We are having extreme overcrowding at that level.

Mr. Smith. I am looking ahead now.

Ms. Hawk. Okay. Ahead. Once you get past the penitentiaries, once you get past those, it basically goes back to the bell curve. The primary need, then, is in the middle and with lesser need as you go down, you know, on the low side.

ALIEN POPULATION

Mr. Smith. Okay.

Mr. Rogers?

Mr. ROGERS. I was unclear, Madam Director, about the alien question that Mr. Taylor asked of you.

Is it 26 percent of our population is criminal aliens?

Ms. HAWK. Yes.

Mr. Rogers. What percent are illegal aliens?

Ms. HAWK. It is approximately 90 percent of that 26 percent that will be deported.

Mr. Rogers. Because of their illegality?

Ms. Hawk. Right. Yes.

DEPORTATION OF ILLEGAL ALIENS

Mr. Rogers. And you can do that with no legal problems that you are aware of?

Ms. HAWK. That is all handled through immigration, INS and the Executive Office of Immigration Review. They screen the in-

mates before their deportation back, and they go through all of the

processes that are required.

Some countries take longer to get them back, so we do hold some inmates that are at our institution at Oakdale, Louisiana, who have served their sentence, their sentence is over, but they are still being detained, because they are to be deported but all of the necessary paperwork and agreements have not been worked out yet. But most of those we try to get the deportation work through so that by the time they are released, they are deported.

Mr. Rogers. So you have 20,000 prisoners who are illegal aliens

that you will begin the procedure to deport?

Ms. HAWK. Yes.

Mr. Rogers. What is the average length of time for deportation? Ms. Hawk. It depends usually upon which country they are going to. I, again, don't want to try and be an expert in INS's business. But there are some countries that the process works through relatively well—it is an elaborate process, so it takes a while. They usually start working on it early in the sentence. And I don't remember exactly how long it takes. But there are some countries,

member exactly how long it takes. But there are some countries, like Nigeria and Jamaica—especially Jamaica—who basically won't accept their citizens back. And it takes a very long time to get them back.

Mr. ROGERS. The 90 percent, the illegal aliens, they can be deported before their sentence expires?

Ms. HAWK. No.

Mr. Rogers. You have to wait?

Ms. HAWK. They have to serve their entire sentence in this country right now.

Mr. Rogers. Even though they were illegal when they committed

the crime?

Ms. HAWK. Yes.

REASONS FOR NOT DEPORTING SENTENCED ALIENS

Mr. Rogers. Why can't we just deport them for being an illegal

alien, irrespective of the fact they are in prison?

Ms. Hawk. Well, they could be. But the concern is they have committed an offense in this country, and so they are charged with that offense, convicted, sentenced, and then they are in the custody of the Attorney General and have to finish out their sentence.

One of the concerns is that if they committed an offense and are immediately deported, it makes it very easy for them to go back to their own country, come back, and commit another offense. There is no negative impact on them other than deportation, and many of them believe it is not a very serious sanction if they commit an offense in this country.

Mr. ROGERS. I assume that the Attorney General, because she told us this, she wants to deport these 26 percent. I assume she is working with you and INS and others on a way to deport them even while they are serving the sentence?

Ms. HAWK. Right.

Mr. Rogers. That is the goal, I guess?

Ms. HAWK. Yes, yes. There are a couple of different ways of, perhaps, approaching it. We are not sure which one will work. But you are absolutely right.

Mr. Rogers. Please keep us posted on your progress with this program because that would clear up so much space. That would

solve so many problems.

Ms. Hawk. Absolutely, it would.

Mr. ROGERS. In fact, if there were suddenly vacancies of 26 percent less than you have now in the prison system, you would be close to being less than 100 percent capacity, wouldn't you?

Ms. Hawk. It would get us much closer than we are now. That is

for sure.

Mr. Rogers. It would also save us a bundle of money.

Ms. HAWK. Absolutely.

MODERNIZATION AND REPAIR

Mr. Mollohan. You are asking for \$33 million for upgrade and repair of old facilities.

Ms. HAWK. Yes.

Mr. Mollohan. Is that a modest request, given the need?

Ms. HAWK. Yes, it is. It is less than half of what was requested in our original request. And even that is relatively modest. And we really try only to ask for that which is really necessary to keep the institutions functional.

Mr. Mollohan. Your request to OMB would have been \$66 million. And that was modest?

Ms. Hawk. Our request was relatively modest. We really are not looking for things that go beyond keeping the institutions very, very functional, like roofs and utilities and those kind of things.

The strain on the physical plant when the institutions are above capacity is much greater than if they are at regular capacity, because everything is being stretched in terms of its usage. And it really makes the facilities wear much quicker.

Mr. Mollohan. What will you not be doing as a result of the

OMB reduction?

Ms. HAWK. We will have to take all of the projects that we had wanted to move forward on and try to prioritize them. Those that go to the basic needs of not having water leaking through the roofs and making sure that we don't lose power and those kinds of basic-plumbing-those are the kinds of things that we will make as our priorities.

But we will have to actually go back and reprioritize. Once we find what we get in our budget, we will go back and reprioritize and make the decisions based upon what is most desperately

needed.

Mr. Mollohan. Is that distributed all over the system? Or are

there certain facilities that represent big numbers?

Ms. Hawk. The older facilities, obviously, are in much more need than the newer facilities. Our penitentiary at Marion needs a tremendous amount of work. So if we are able to open up the new one in Florence, Colorado, we could go back and do some of the repair work at Marion.

Our medical facility at Springfield is probably one of our highest priorities. We are having major electrical problems there, and sometimes they are in the middle of surgery and the lights go out, and that is very dangerous. We have our backup generators, but that would be a priority for us.

Mr. Mollohan. How many dollars are associated with the

Marion request?

Ms. HAWK. About \$5.5 million is Marion.

Mr. Mollohan. And Springfield?

Ms. HAWK. About \$4.5 million.

Mr. Mollohan. Are those the requests to OMB? Ms. Hawk. These are close to the original requests.

Another issue for us is hazardous waste, asbestos removal. We have a lot in our old facilities—Alderson, West Virginia; Milan, Michigan. And that is a high priority also.

ASBESTOS PROBLEMS

Mr. Mollohan. A lot of those dollars are for asbestos removal? Ms. Hawk. That's \$1.5 million for the one institution and another half for the other. So roughly \$1.8.

Mr. Mollohan. Is that what I think they call friable or loose as-

bestos?

Ms. HAWK. It is mainly friable.

Mr. Mollohan. That inmates are currently exposed to?

Ms. HAWK. Well, we have sealed it, and some of the building is not being used. So we are not jeopardizing inmates at this time.

Mr. Mollohan. I see. But you have a need. And in order to

access it, you must address the asbestos problem?

Ms. Hawk. Yes, yes. Mr. Mollohan. Okay. Thank you, Mr. Chairman.

HALFWAY HOUSES

Mr. Smith. Mr. Moran?

Mr. Moran. Ms. Hawk, I am not a big fan of halfway houses. I lost a friend who was a police officer who was killed by a guy that had been convicted of one crime after another, all of them violent, and walked out of a halfway house, and they hadn't even reported he was gone. I am not sure they even noticed. But you have a problem with halfway houses in terms of the Bureau of Prisons. You have contracted, I understand, for more beds than you are providing inmates for. And the halfway house providers are complaining that they are losing money.

What is the situation there, particularly in view of all this over-

crowding from the drug offenses and nonviolent offenses?

Ms. HAWK. We are very committed to the use of halfway houses. We see it as a tremendously valuable tool for transitioning inmates had into the community.

back into the community.

But as your example speaks to very clearly, we must never forget that our first priority is public safety. So we have to be cautious in terms of who we place in those facilities and who we do not. The thing that happened with our overprojection—and we take responsibility for that—we projected five years in advance in terms of our use of halfway houses because the contracts are five-year contracts.

We also fund the use of probation and the courts on the front end of halfway house placement. So we do the contracts for them also. We projected five or six years ago what our use would be today. We projected our use pretty accurately. We overprojected the use of the courts and probation. The courts, partly because of mandatory minimums, partly because of sentencing guidelines, and partly because of just, I think, a very conservative attitude toward halfway house placements on the front end, instead of sentencing them to inside institutions. They have used those beds far less than we ever expected them to do and far less than history would have suggested.

That is where we have ended up with our shortfall. We are fixing that in terms of any new contract we are letting. We are doing our best to try to fill our use of our halfway house beds with more than 89 percent of what we projected it to be for the last year, that means 100 percent in some districts where, perhaps, the courts were using them and maybe 60 percent in others. And those

are the ones who are really feeling some pressure in this.

We are doing everything we can to fix that so that it doesn't happen in our new contracts. And we are attempting, as best we can, to place safe cases into those halfway houses where we have a projected need.

FEDERAL/STATE JUDICIAL POLICY

Mr. Moran. Good. I imagine that there is quite a difference between, again, Federal and State judicial policy?

Ms. Hawk. Yes.

Mr. Moran. And I will bet that the Federal judges tend, on average, to be much more—fairly more conservative than a lot of the State and local jurisdictions, particularly urban judges?

Ms. HAWK. Yes.

ABORTION

Mr. Moran. Let me just touch on one other topic, not because it is a major issue in terms of Federal prison policy, but it certainly is an important one for the people involved.

Since the Hyde amendment was passed prohibiting even first trimester abortions in prison, how many children have been born to incarcerated women?

Do we have any figures on that?

Ms. HAWK. We do have figures. I do not have them with me. We do allow women to get abortions if they can fund them themselves. So if they fund them themselves, then they are available to them.

FEMALE INMATES WITH CHILDREN

Mr. Moran. The ones who need them the most are the least likely to be able to do that. I just can't imagine what it is like to be born in prison to a woman who is a prisoner.

What happens to those children?

Ms. HAWK. Most of them, the majority of them—and we can get you the specific numbers if you would like and forward them to you after the hearings.

DISPOSITION OF CHILDREN OF FEMALE OFFENDERS

Ms. HAWK. Most of them are taken by family members. The majority of them are going to a family member, usually it is the mother, the mother of the mother having the child, the grandmother of the new infant, that takes the child.

Those who do not have family members to go to are placed. We work with local organizations, either local in terms of the area where the inmate is located, or in their home area, if it looks as though the mother will be able to, be released relatively soon and to renew the relationship with that child.

Mr. Moran. How soon do you place the infant in a home? Does

the infant get any nurturing?

Ms. HAWK. We do have available what is called a MINT program, Mothers and Infants Together, that has functioned for years in some of our areas around female institutions but are relatively new in some others, whereas, if the woman is releasable to a halfway house—and, again, they would have to not be a threat to the community—we place them in a halfway house, very special halfway houses that are designed for this purpose, three months prior to the baby being born; and then they stay there three months after the baby is born. But generally, we can only place in that sit-

uation those who do not have a history of violence.

Mr. Moran. That seems rational. I am glad that you explained that. I just can't imagine what it is like to be born within a prison

or a homeless shelter. But thank you very much.

And thank you, Mr. Chairman.
Mr. Smith. What percentage of prisoners are women?

Ms. Hawk. It is 7.7 percent.

Mr. Smith. And what percentage of the 7.7 percent would have children?

Ms. HAWK. It is very small, actually. I honestly don't know that

Mr. Smith. I am talking about that have children while they are in prison.

Ms. HAWK. Okay. It is a very small percentage. I don't really know. It is probably less than 1 percent.

Mr. Smith. That's 1 percent of the 7.7 percent?

Ms. Hawk. Yes.

Mr. Moran. So about 800 or so out of 80,000 population?

Ms. HAWK. I want to say that it is around 60 a year. But I don't want to try to guess. I would rather get you the exact figures.

Mr. Smith. Maybe you can put that in the record.

[The information follows:]

FEMALE INMATES AND CHILDREN

Beginning in May of 1992, the Bureau of Prisons began collecting data on the number of pregnancies in prisons. For the one year period beginning last May, the number of pregnancies was 276. A poll of all institutions holding female inmates reveals that for the same period of time, approximately 138 babies were born.

Mr. Smith. Okay. Thank you very much.

Ms. HAWK. Thank you.

[The following questions were submitted to be answereed for the record:

QUESTIONS SUBMITTED BY CONGRESSMAN SMITH

Overcrowding

QUESTION: Is their any level of overcrowding which you consider to be acceptable?

ANSWER: We recently revised our rated capacity policy to incorporate the level of crowding considered to be manageable and acceptable. The policy provides for 100 percent double-bunking in minimum and low security institutions, 50 percent double-bunking in medium security institutions and 25 percent double-bunking in high security institutions and detention facilities. Thus, the Bureau of Prisons (BOP) will be routinely operating at a much higher crowding level. We believe that our goal of increasing capacity to a level substantially equal to the inmate population represents a reasonable and acceptable course of action.

1994 New Construction

QUESTION: Is true that by 1998, when all the prisons currently in the pipeline are ready for activation, your overcrowding will be down to 4 percent?

ANSWER: Yes. Based on the current double-bunking policy recently implemented, we expect to have all of the facilities in the pipeline (those funded through 1993) ready for activation by 1998 at which time the overcrowding is expected to be down to 4 percent.

QUESTION: You request \$85 million to construct new or expand existing facilities for sentenced prisoners. Is it still necessary to construct even more such facilities considering your overcrowding will be down to 4 percent, and the full-time equivalent (FTE) cuts should result in fewer rather than more prisoners?

ANSWER: The construction initiative instituted by the BOP has been in response to an unprecedented growth in its inmate population. Although we expect the rate of overcrowding to be down to 4 percent by 1998, the inmate population is expected to continue to grow from 106,174 at the beginning of 1998 to over 130,000 by the year 2002. For this reason, we must continue to expand capacity in order to provide adequate housing and a safe environment beyond 1998.

The FTE or staff workyear cuts experienced by the BOP will not reduce the number of inmates incarcerated by order of the courts. The number of inmates incarcerated is determined by other factors, such as arrest and conviction rates, and length of sentence.

QUESTION I understand that half of these new construction funds in 1994 are required to handle the tremendous growth in detention of unsentenced prisoners awaiting trial and for illegal aliens. Are there other, less expensive options, rather than constructing additional facilities?

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ANSWER: The use of excess capacity in State and local correctional facilities continues to be the preferred method of housing detainees of the U.S. Marshal Service (USMS). The USMS does this whenever possible. The USMS also utilizes the Cooperative Agreement Program (CAP) to provide funds to State and local jurisdictions to build addition capacity which can be used to house detainees. In many cases, however, there is no excess capacity available and no CAP opportunities for the USMS which is within a reasonable proximity to the courts. It is only after the USMS have explored less costly options and determined none are available that they ask the BOP to build detention bedspace.

QUESTION: Assuming that you are at an acceptable rate of overcrowding, is it possible to divert funds currently in the pipeline for correctional institutions, and instead utilize them for detention facilities?

ANSWER: Unfortunately, even zero overcrowding under the new double bunking policy means substantial overcrowding under the previous single bunking guidelines. Thus, the current double bunking policy has in effect absorbed an acceptable level of overcrowding into its rated capacity figures. Further, the inmate population is expected to continue to grow beyond the 106,174 inmates at the beginning of 1998 to over 130,000 by the year 2002. For this reason, further construction will be necessary to allow the BOP to keep pace with the projected future growth in the inmate population, and diverting funds from the current construction initiative will have a long term negative impact on overcrowding and safety.

Modernization vs. New Construction

QUESTION: Is it true that 26 of the 69 institutions currently operated in the Prison System are more than 50 years old?

ANSWER: Yes, actually 35 of the 71 institutions are more than 50 years old.

QUESTION: Have you performed an analysis on whether it is more cost-effective to build new space than to removate and modernize older facilities?

ANSWER: This activity is done on a case by case basis. Each project has many variables which must be considered to determine cost effectiveness. Renovations at existing facilities may in some cases be marginally more expensive than comparable new construction due to the requirements to demolish existing structures, upgrade utility service, and factor in additional costs associated with working inside a secure facility. However, the cost of renovation must be compared with the large capital budgets necessary to finance the site selection, construction, activation, and other expenses incurred to build new replacement facilities. Renovation of existing facilities can be accomplished in phases staged over a number of years, amortizing the cost of

the renovation rather than requiring a large capital budget. Properly planned, financed and executed, renovation at a facility can economically extend the life expectancy.

QUESTION: Have you performed any studies to compare cost per inmate to operate one of these older prisons versus a new prison?

ANSWER: Per capita costs are accumulated and reviewed by several BOP components. There are several factors in addition to security level that impact on per capita cost, including the size of the facility, geographic location, specialized mission, design differences, and program options. While current per capita cost figures do not include capital expenditures, there appears to be no direct correlation between per capita costs and the age of institutions. When capital expenditures for initial construction and renovations are included into the respective institution's operating costs, no appreciable difference in per capita cost comparison would be indicated.

Fee Proposal

QUESTION: What is the status of the incarceration fee you were authorised to begin collecting in the 1993 Appropriations Act?

ANSWER: The Bureau of Prisons has drafted proposed regulations to implement the cost of incarceration fee mandated by the Justice Department 1993 Appropriations Act. The regulations have been sent to the Office of Policy Development at the Department of Justice for final Administration approval and publication in the Federal Register.

QUESTION: When will you begin to collect such fees, and do you have any estimates for 1994?

ANSWER: The fee will be imposed on inmates who begin serving their sentence after the effective date of the regulations implementing the fee. The Bureau of Prisons estimates that very few inmates will be able to pay a fee equal to one year's cost of incarceration. Even those inmates with resources to pay the cost of incarceration fee will probably not have a fee imposed on them due to a conflict between the Appropriations Act language and the U.S. Sentencing Guidelines. The Act provides that the Attorney General shall not collect a fee from any person with respect to whom a fine was imposed or waived by a U.S. District Court judge. Under the U.S. Sentencing Guidelines, the court must impose a fine in all cases (except where the fine is waived based on indigence), including an amount to cover the cost of incarceration. Since judges are required in all cases to either impose a fine or waive it, the Attorney General is barred in every case from imposing a cost of incarceration fee under the Act. The only apparent exceptions will be cases where the court does not follow the Sentencing Guidelines.

QUESTION: What do you propose to do with the fees once you begin to collect them?

ANSWER: Under the Appropriations Act, fees collected in 1993 shall be deposited as offsetting receipts to the Treasury. For 1994 and beyond, fees shall be deposited as offsetting collections to the appropriation Federal Prison System, "Salaries and Expenses", and shall be available, inter alia, to enhance alcohol and drug abuse prevention programs.

Contract Confinement

QUESTION: What is the average daily cost to house inmates in contract halfway houses, what do you receive for that price, and how does it compare to the average cost of a minimum security prison?

ANSWER: Halfway houses, referred to as Community Corrections Centers (CCC) in BOP, provide a safe, structured, supervised environment in the community for a variety of offenders. CCC provide residents with helpful programming opportunities.

- * drug and alcohol treatment
- * employment counseling and job placement
- * financial management training
- * daily living skills

Through the first quarter of 1993, the average daily per capita contract cost of a CCC was \$38.29. Further, the contractors collected an average \$5.50 per day from inmates to offset their additional costs.

The average cost of operating minimum security level facilities in 1992 was \$41.31 per day per inmate.

QUESTION: Are there Federally-operated halfway houses and, if so, what are their average costs?

ANSWER: No, there are not.

OUESTION SUBMITTED BY CONGRESSMAN KOLBE

Southwest Contract Facility

QUESTION: In June 1992, the Bureau of Prisons (BOP) awarded a plan to build a contract facility on a joint basis with the Immigration and Naturalisation Service in the Interstate 8/10 corridor of Arisona and California. The BOP selected Private Prisons of America, Ltd., Inc., and Transitional Housing Inc. (PPATHI) to build a facility at Quartsite, on the stretch of I-10 between Phoenix and the Colorado River. Subsequently, in trying to qualify the bid, it was decided the proposal did not meet the qualifications. The bid process was reopened last year. Still, there has been no selection, no decision. Can you describe the status of the contract and bid process for this facility? When do you expect a decision to be made? Are you still seeking a private vendor to run the facility?

ANSWER: We still intend to have this facility built and operated by a private company. We expect to award the contract shortly, to one of the remaining, original bidders.

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QUESTIONS SUBMITTED BY CONGRESSMAN SKAGGS

Per Capita Cost of Administrative Maximum Prisoner

QUESTION: What are the annual per capita costs of maintaining a prisoner in a "control unit" or administrative maximum status? What are the costs in the general Federal prison population?

ANSWER: The approximate cost for maintaining a prisoner in administrative maximum status was \$87.52 daily or \$32,033 annually in 1992. At the same time, the cost for general population on the average was \$56.84 daily or \$20,803 annually.

Prisoner Designation

QUESTION: Currently, the Bureau of Prisons has sole responsibility for assigning prisoners to Federal control unit prisons, like the one in Marion, Illinois and the one soon to be opened in Florence, Colorado. What costs would be involved if some sort of due process mechanism was put in place for these decisions, such as allowing prisoners to appeal that decision to some authority other than the Bureau of Prisons?

ANSWER: The Bureau of Prisons has responsibility for assigning all individuals sentenced to the custody of the Attorney General to appropriate institutions. These institutions range from minimum security camps to maximum security prisons such as Marion. Inmates who disagree with designation decisions have the right to appeal these decisions through the Bureau's administrative remedy process. If dissatisfied with the Bureau's ultimate decision, any inmate has the right to seek redress in the appropriate United States District Court.

In response to your specific question regarding supplementing the due process procedures with a review of all control unit placement decisions by someone outside the Bureau of Prisons, we estimate the cost of such review would be at least \$1,000 per decision. This assumes 10 hours to review relevant documents, conduct the review or hearing and render a decision. We anticipate the cost would exceed \$100 per hour for a qualified professional. Travel costs would be additional. Over the past few years there have been 12 inmates transferred into the control unit annually. Additional inmates were referred for placement in the control unit but were determined not to require that placement in the course of the Bureau's internal process. Depending on how a program of outside review were structured and on whether it involved all these cases as well as periodic reviews of the control unit inmates to determine continued placement, the total annual cost could vary from a minimum \$12,000 to \$250,000 in addition to the cost of the present internal process with judicial review where the inmate files suit.

Future Construction of Control Unit Prisons

QUESTION: How many more prisons like Florence (i.e., Federal control unit prisons) are planned to be built nationwide? When will Florence become operational? How many prisoners will it house? In what classification?

ANSWER: Florence is the only new administrative maximum planned. It will be available for inmates in 1995. It has a rated capacity of 484 administrative high security beds.

Visitation in Control Units

QUESTION: Family visits with prisoners in Federal control unit prisons are reportedly conducted under very restrictive conditions that include handcuffing, preventing any physical contact, the presence of a guard and monitoring of all conversations, and rectal examination of the prisoner before and after the visit. Is this accurate? If it reflects general visitation policy, what is the rationale? What might be done to improve visitation without compromising security?

ANSWER: The only Bureau of Prisons control unit in existence today is at the U.S. Penitentiary in Marion, Illinois. The control unit currently houses 42 inmates while the institution houses 336 inmates. All visits at Marion are non-contact visits due to threat to security and order posed by the inmates confined there. The purpose of instituting non-contact visiting was to prevent the introduction of unauthorized contraband into the institution.

Visiting takes place through a window, with a correctional officer in a nearby booth, sporadically monitoring conversations. All inmates are transported to the visiting room in handcuffs -- only control unit inmates remain handcuffed while visiting. The other have the handcuffs removed before the visiting process begins. All inmates are routinely strip searched before and after a visit. There are no rectal examinations of inmates before or after visits. We believe the procedures currently in effect regarding visits at Marion provide sufficient interaction between the inmate and his visitors without compromising institution security.

Visitation Policy

QUESTION: The Federal Correctional Facility at Littleton, Colorado has implemented a new system of providing inmates with visiting credits, and has placed new limits on visitation hours. On March 25, 1993, I made a written inquiry to the Federal Bureau of Prisons regarding this matter. The response I received, dated April 28, 1993 was inadequate. What, if any, change has been made in visitation policies at this facility? Why were those changes made? Is this unique to the Littleton facility, or was it done at all prisons under the Bureau's jurisdiction?

ANSWER: We regret that you found our earlier response on this matter inadequate. The Warden recently implemented a new visiting system in order to give all inmates equal access to visits and to minimize the cutting short of visits. With continued growth in the inmate population at Littleton (the institution is 82 percent over its rated capacity, housing 840 inmates with a rated capacity of 462), and limited visiting space, some inmates received inequitable access to visits. The point system implemented affords each inmate 40 points a month, with one point deducted for an hour's visit on weekdays and two points deducted for an hour's visit on weekends. This process is not unlike visiting systems in effect at other Bureau of Prisons facilities and has provided more equity for inmates. While the Bureau of Prisons has an overall inmate visiting policy, each Warden, within the bounds of that policy, can use his or her discretion to efficiently manage the operation.

Mandatory Minimum Sentences

QUESTION: There have been some studies done about the impact of mandatory minimums. What are your views? Do you think that we need further independent study focusing on how mandatory minimums affect prison space issues? Who should perform such a study?

ANSWER: No study is necessary. We already know what the effect of mandatory minimums are on the Bureau's inmate population. Mandatory minimums in conjunction with Sentencing Guidelines are responsible for 90 percent of the Bureau's population growth from 1986 to present.

THURSDAY, MAY 6, 1993.

UNITED STATES TRUSTEE SYSTEM FUND

WITNESSES

JOHN E. LOGAN, DIRECTOR

DAVID McCRACKEN, CHIEF, BUDGET AND FINANCE

STEPHEN R. COLGATE, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION

MICHAEL J. ROPER, DEPUTY ASSISTANT ATTORNEY GENERAL, CONTROLLER

ADRIAN A. CURTIS, DIRECTOR, BUDGET STAFF

Mr. Smith. Continuing with our review of the Department of Justice, we will now hear testimony concerning the United States Trustee System Fund. The Trustee System requests total new budgeary authority of \$94,837,000 for fiscal year 1994, of which \$37,487,000 will be derived from offsetting fee collections. We will insert in the record at this point the fiscal year 1994 budget justifications for this request.

[The justification follows:]

(1075)

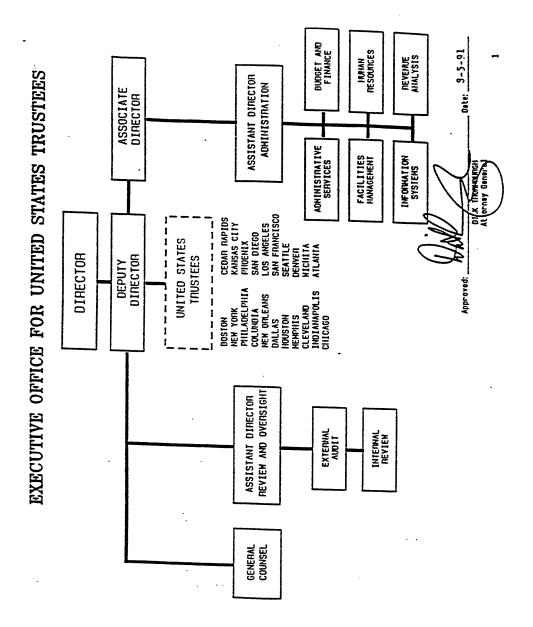
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United States Trustee System Fund Estimates for Fiscal Year 1994

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Department of Justice



United States Trustee System fund

Salaries and expenses

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Fiscal Year 1994

The United States Trustee System Fund ("the Fund") for 1994 is requesting a total of 1,092 permanent positions (including 196 attorneys), 1,024 workyears, and \$94,837,000.

The request includes 764 positions (131 attorneys), 712 workyears and \$57,350,000 in direct funding; and 328 positions (65 attorneys), 312 workyears and \$37,487,000 in indirect funding. This request represents a baseline adjustment of \$6,012,000 over the 1993 enacted level, (\$825,000 in direct funding and \$5,187,000 in indirect funding). In addition, the request includes a program decrease of 11 positions (1 attorney), 16 workyears and \$696,000 for 1994 to meet personnel and resource levels of the Administration.

The mission of the United States Trustee Program ("the Program") is to safeguard and strengthen the integrity of the Nation's bankruptcy system by ensuring the fair, efficient and effective administration of bankruptcy cases with the maximum confidence of creditors, debtors, the courts and the public.

In carrying out its mission, the Program has two basic responsibilities. The first is the non-discretionary task of moving the growing volume of bankruptcy cases (977,000 in fiscal year 1992) through the bankruptcy court. The second responsibility is regulatory in mature and focuses on ensuring that private trustees and debtors adhere to the standards of the law. The bankruptcy process, both historically and presently, is largely entrusted to private individuals. Whether a chapter 7 (liquidation) case, where assets, if any, are distributed to creditors; a chapter 11 (reorganization) case, where a debtor seeks to restructure its financial affairs; or a chapter 12 (family farmer) or chapter 13 (wage earner) case where debtors seek to repay their debtors, the individual directly responsible for the administration of a particular case is either appointed by the United States Trustee or the debtor. The United States Trustee supervises the conduct of these private trustees and generally ensures that the interests of the parties are not abridged during the pendency of the cases.

In 1986, Congress created an accountable agency, the United States Trustee Program, to supervise the administration of bankruptcy estates by private trustees and the conduct of those who seek the law's protection, the debtor. Congress' intention was to bring reform to a system baset by problems. At the time of its nationwide expansion, the U. S. Trustee Program assumed responsibility for an long unregulated system encruted with abuse. It its first few years, the Program established new ground rules, a system of trustee oversight, and identified many gross abuses. It has expended substantial efforting to create structures of accountability with regard to private trustees and debtors.

The circumstances revealed by the Program's recently established accountability structures, combined with the escalating caseload, demonstrate that the bankruptcy system, which has a history of professional laxity and weak requiatory oversight, provides a fertile opportunity to pursue self-interests to the detriment of fairness and efficiency. Not only is the viability of the substantial reforms that have been undertaken at tak, more importantly, so is the very functioning of a system that is mandated to provide a fair and efficient resolution of creditor claims.

Both the Office of Management and Budget (OMB) and the Department of Justice Inspector General have recognized the need to increase supervision in the area of trustee oversight. Moreover, the Congress continues to stress the need for enhanced oversight, specifically as it relates to the Program's fundamental obligation to review the applications for fees of professionals and to ensure that they are appropriate and proper. The demand that professionals perform services for the bankruptcy estate that do not drain its assets is a foundation of the law. Substantial improvements continue to be necessary in this area to reverse long-standing patterns of conduct tolerated by the courts and perpetuated by greedy lawyers, accountants, auctioneers and other professionals. It is imperative to the integrity of the system that private trustees and debtors be required to adhere to the standards of the law. The Program has made its regulatory responsibilities a priority and has embarked on a major initiative to increase the scrutiny of trustees, close thousands of old bankruptcy cases, and pursue enforcement actions against private trustees who do not fulfill their fiduciary responsibilities. However, the Program faces a significant challenge if it is to fulfill their fiduciary responsibilities. However, the Program faces a significant Reviewing the submissions of trustees or banks they utilize, analyzing the books and records of those who appear to be engaged in improper conduct, preparing civil actions, or making criminal referrals are personnel intensive activities which the program has assumed with few new resources during a time of rapid and unprecedented growth in bankruptcy fillings. A 93 percent increase in case fillings since the 1986 nationwide expansion has required the Program to devote increasing resources to the non-discretionary task of moving the caseload through the system and has reduced its ability to confront its regulatory mission.

Of the 977,000 cases filed in 1992, 685,000 were chapter 7 liquidation cases, where the assets of a debtor are liquidated. There were 269,000 chapter 12 and 13 cases, where the wage earner or farm family debtors repay their debts over a 3-5 year period. In chapter 7, 12 and 13, the Program's major responsibility is to scrutinize the conduct of the debtor and to supervise the activities of the trustees appointed to administer each of these cases. In 1991, 23,000 chapter 11 reorganization cases were filed. Unlike chapters 7, 12, and 13, where a trustee is appointed, no trustee is normally appointed in a reorganization case. It falls to the Program to undertake the extremely staff intendive functions of not only scrutinizing the debtor, but ensuring that the debtor meets its responsibilities to move its case forward. These challenges will increaue in the coming years as bankruptcy case filings continue to escalate to levels In excess of 1 million cases per year.

The funding requested for fiscal year 1994 will be paid from the Fund which relies on fees assessed against debtors in bankruptcy. The Program is self-sufficient through the fee structure established by the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act (the "expansion legislation") and Public Law 102-140 (Department of Justice Appropriations Act, 1992). Unfortunately, budget constraints have limited the Program's access to the Fund. Thus, the Fund continues to have monies available far in excess of what the Program has been allowed to expend. During fiscal year 1993 pursuant to provisions of the expansion legislation, the Program returned \$24.470,000 to the general fund of the United States Treasury. It is estimated that a similar amount will be returned during fiscal year 1994.

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United States Trustee System Fund

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

United States Trustee System Fund

\$ 57,350,000

Fur expenses iecessary for the United States Trustee Program, [557,221,000] to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the markruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1966 (Public Law 99-554): Provided, that deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

(10 U.S.C. 3624; The Salary Act of 1902 (31 U.S.C. 9602); P.L. 92-926; The Act of June 21, 1970, 82 Stat. 898; Department of Justice and Related Agencies Appropriation Act, 1993).

Explanation of changes

No substantive changes proposed.

United States Trustee System Fund
Salaries and expenses
Crosswalk of 1993 Changes
(Politics in thousands)

| Congressional Congressional Congressional Actions on Actions on Actions on Budget Request Appropriation Pos. WY Amount |---|
| Congressional Appropriation Actions on ast 1993 Request Mount Pos. WY Amount Pos. (196) (510,235) 7,957 (198) (99) (10,595) (29,300) (59) (29,300) (139) (70) (13,695) |
| 1993 President's Budget Request Pos. WY Amount 1,257 1,075 \$92,259 1 51 49 7,957 1,308 1,124 100,216 1,387) (316) (29,300) 921 808 70,916 |
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United States Trustee System Fund Sularies and expenses Sularies and expenses Summary of Requirements (Collers in thousands)

										Perm.	≩	Amount
1993 as enacted.	oriber 1	fore							•		1,110 1,025	\$89,521
1993 Availability										1,103	1,015	89,521
Decreases (FTS Savings)											3 :	(52)
1994 base	rgets									1,103 1,040	1,040	96,983
1994 baseline										1,103 1,040	1,040	95,533
	199	1993 Availability	bility	16	1994 Baseline	<u>-</u>	19	1994 Estimate	nate	Incre	Increase/Decrease	9 8 9
Estimates by budget activity	Perm Pos.	≩	WY Amount	Perm Pois.	¥	Amount	Perm Pos.	₩	Amount	Perm Pos.	¥	Amount
Total Authority: 1. Administration of Cases	1,052	967	967 \$82,024 48 7,497	1,052	992 48	992 \$87,685 48 7,848	1,042	977	1,042 977 \$87,044 50 47 7,793	<u>6</u> 5	(15)	(\$641) (55)
Subtotal. 1,103 1,015 89,521	1,103	1,015	89,521	1,103	1,040	95,533	1,092 1,024	1,024	94,837	Ξ	(16)	(969)
Offsetting Collections(328) (287) (32,300)	(328)	(287)		(328)	(312)*	(328) (312)* (37,487)	(328)	(312)	(328) (312) (37,487)	•		•

* Technical FTE Adjustment to reflect actual usage in offsetting collections.

Total, Direct Authority...... 775 728 57,221

(969)

(11) (16)

57,350

712

764

728 58,046

775

United States Trustee System Fund Salaries and expenses Base Comparison (Dollars in thousands)

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	5	1993 Availability	lability		1994 Base	ase	=	1994 Baseline	seline	<u>2</u>	ease/D	Increase/Decrease
	Perm.			Perm.			Perm.			Perm.		
	Pos.	≩	Amount	Pos.	≩	Arnount	Pos.	⋠	Amount	Pos	ξ	Amount
Total Authority:												
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2. Management and Administration	51	£	7,497	5	8	8,220	51	4		:	:	(372)
Subtootal 1,103 1,015	1,183	1,015	89,521	1,103 1,040	1,040 040	96,983	1,103 1,040	040	95,533	:	:	
	(000)	î	1000	600	ć	107 407		9	107 107			
Onsetting Collections	(350)	797	(328) (329) (323) (323) (315) (317)	(976)	(215)	(37,487)	(326) (312)	312	(37,487)			:
Total, Direct Authority	775	728	57,221	775	728	59,496	775	728	58,046	÷	:	(1,450)

Administration of Cases: The reduction in the 1994 base of \$1,078,000 will require the U.S. Trustee Program to focus existing resources on its
nondiscretionary responsibilities associated with a burgeoning bankruptcy caseload and could reduce the Program's ability to carry out its
regulatory responsibilities in the area of debtor fraud and private trustee oversight.

2. Management and Administration: The cut in the 1994 base of \$372,000 will impact the Program's oversight and review activities associated with its chapter 7 bankruptcy fraud initiative.

United States True tee System Fund Salaries and expenses Summary of Resources by Program

	58	1992 As Enacted	Cled	1992 Actual	B2 Act		1963 Availability	Availa	1	1904 Baseline	4 8		<u>.</u>	1904 Estimate	•	Increase (Decresse	/Decr	•
	Por. WY	Ě	Amount	Per Pos	È	5	Perm Pos. WY	È		Por 3	È	Pos. WY Amount	8 8 8	¥	Perm Poe. WY Amount	Por B	¥	Amount
Total Authority; 1. Administration of Cases1,059 978 \$74,011 1,059 9. Management and Administration 51 47 7,171 51	1,050	5.4	7.171	1,058	\$ ≎	\$73,074 7.117	1,062	8 =	7,497	1,052	ğ ±	1,050 978 \$74,011 1,050 840 \$73,074 1,052 967 \$82,024 1,052 962 \$47,685 1,042 877 \$87,044 1,058 81 47 7,171 51 47 7,117 51 48 7,497 51 48 7,497 51 48 7,493	1,02 25	£6 4	7,783	99	E	(\$641) (56)
Sub total.	1,110	1,026	11,182	1,110	8	101,00	1,103	,025	18,521	50	ş	36 ,52	1,082	1,024	94,837	Ξ	<u> </u>	8
Officering Collections	(828)	(28.7)	(22,961)	(950)	(201)	(23,241)	(828)	(287)	(32,300)	(\$2.6)	(312)	(97,487)	(928)	(312)	(87,467)		1	1
Total, Direct Authority		2	782 739 67,221	287	718	782 715 56,050	311	2	736 67,221	311	22	58,046	ž	2.	87,350	Ξ	9	8
Other Workysers: Overtime: AUO. Other. Total compensable workysers	::.	0 2 3		1	0 \$ 82		ł	2 2 5 0		1	0 20 25		1	200		i	0 0 (6)	

United States Trustee System Fund Salaries and expenses Justification of Program and Performance Activity Resource Summary (Dollars in thousands)

Activity: Administration of Cases

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d/eee	벌	(15)	(15)
Incr	Pos. W. Amount	(10)	(10) (15) (641)
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Limat	Amo	\$87	25
94 Be	ğ	977	667
Perm.	Pos. MY Amount	1,042	716 667 51,393
	ınt	685	034
e Line	Amou	\$87,	\$52,
4 Bas	HX	992	682
199	Pos. WX Amount	1,052	726 682 \$52,034
727	Pos. WX Amount	2,024	tring collections (326) (285) (30,721) 1, Direct Authority. 726 682 \$51,303
rapt	4	7 \$8	2 55
AVA	봌	96	
1993	Pos.	1,052	726
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			Oct 10 Autho
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This budget activity provides resources for the primary mission of the United States Trustee Program, safeguarding and strengthening the integrity of the Nation's bankruptcy system. Funds requested for the Administration of Cases support personnel in 21 regions and 92 district offices throughout the country.

Total

LOMO-RANGE GOALS: To continue to strengthen the integrity of the nation's bankruptcy system by assuring the fair, efficient and effective administration of bankruptcy cases, with the maximum confidence of creditors, debtors, the courts, and the public.

To enhance the number and quality of the audits conducted on chapter 7 panel trustees and chapter 12 and 13 standing trustees, providing greater supervision of trustee performance, and ensuring that cases are closed expeditionally and in a manner consistent with creditors' interest. Moreover, to expedite the Program's efforts to ensure that corrective action has been implemented by the trustee as a result of the audit findings. Finally, to pursue enforcement actions against those who do not fulfill their responsibilities and respond to evidence of trustee embezzlement more thoroughly and expeditiously.

To detect violations of applicable criminal laws by trustees or debtors and build a case for referral to appropriate law enforcement and regulatory agencies, thereby ensuring the protections of bankruptcy law accrue only to legitimate

To facilitate creditor participation in chapter 11 debtor affairs, including the formulation of the reorganization plan, and to ensure that chapter 11 debtors, who have no trustee appointed to administer their case, meet the obligations of the law and move the case to resolution.

propose legislative remedies to ensure that the Program's authority is coextensive with its oversight responsibilities. ဥ

To enhance the ability of the Program's employees to increase private trustee and debtor supervision through training in bankruptcy law and procedures and by requiring adherence to high professional standards.

. To develop and maintain a comprohensive automated information system that satisfies Program needs, as well 6

departmental and government-wide design and security standards.

To enhance the security of the Program's employees, office space, and 341a hearing rooms.

MAJOR OBJECTIVES: In creating the United States Trustee Program, Congress cited the necessity for establishing an accountable agency "to afford bankruptcy litigants, the fair and impartial justice to which all other litigants in the federal courts are entitled" (H. Rept. 595, 95th Cong., 1st Sess. 91 (1977)). Within this broad responsibility, the objectives of the Program are:

To implement consistent nationwide approaches toward the fair and impartial enforcement and adjudication of bankruptcy laws while maximizing the assets of estates and distributions to creditors.

To ensure that bankruptcy cases are administered expeditiously and in a manner consistent with the interest of beneficiaries and not the private trustee administering the case.

provide a system of supervision that detects and deters fraud and self dealing.

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To monitor the costs of professionals and other services in the administration of bankruptcy to ensure that the assets of bankruptcy estates are not dissipated by the costs of administration.

To recruit, select, train and supervise qualified individuals to serve as private trustees in chapter 7, 12 and 13

To assign cases to panel members on a fair and impartial basis and supervise their performance.

To encourage creditor participation in bankruptcy cases.

To ensure that all parties in bankruptcy cases act in conformance with the law, and that fraud, dishonesty, and overreaching are prevented.

DASE PROGRAM DESCRIPTION: The Bankruptcy Reform Act of 1978 established the United States Trustee Program on a pilot basis in 18 Federal judicial districts. In 1986, the Congress enacted the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554) expanding the United States Trustee Program to 88 Federal judicial districts. The major thrust of these nationalde reforms was to separate the adjudicative and administrative functions in bankruptcy cases and establish one accountable agency with responsibility for the administration of bankruptcy legislation. The Program completed the expansion in 1989 under the transitional provisions of the 1986 expansion legislation. Currently, the Program operates 92 United States Trustee offices nationalde which are responsible for the oversight of the administration of over 1.2 million pending bankruptcy cases.

Prior to the 1978 Reform Act and the 1986 expansion legislation, the responsibility of overseeing the administration of bankruptcy cases was bestowed upon the individual bankruptcy courts. At the same time, the court was responsible for adjudicating disputes between parties, including the trustees whom it had appointed and supervised. The legacy inherited by the Program may be characterized as a nationwide patchwork of practices lacking any semblance of uniformity and steeped in local customs and procedures. Neither the private trustees who are entrusted with millions of dollars, nor the debtors who are granted substantial protection, were held accountable for their obligations under the law. At its worst, the previous system turned a blind eye to ongoing deficiencies in administration of bankruptcy cases, failing

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to ensure that even the most basic requirements of the law were observed. Beyond the lack of any supervisory process was the fact that the system had been committed to those who strayed far from their fiduciary responsibilities. Since the Program expanded, 33 private trustees or their employees have been prosecuted for embezzing bankruptcy estate monies. The number of debtore prosecuted for bankruptcy fraud also has increased dramatically.

The goal of the Program is to provide a fair and impartial application of the bankruptcy laws and to ensure the integrity of the system. It is to bring reality to the opportunity for creditors to share in the remaining assets of the debtors. This requires that these assets neither be concealed by debtors nor dissipated by private trustees. This supervisory responsibility mandates that a debtor's circumstances be scrutinized, and that all assets be included in the estate. To the degree that discrepancies exist, further investigation must be undertaken. Similarly, accountability attructures have been put in place with regard to private trustees. Background investigations, reporting requirements, and audits have been established. Cases can now be monitored to ensure not only that estate monies are not converted, that the fiduciary standards of the law are upheld.

In <u>chapter 7</u> where 685,000 cases were filled in 1992, a trustee is appointed to liquidate the assets of the debtor and distribute the proceeds to creditors. It is the obligation of the trustee to liquidate the assets expeditiously and in a manner consistent with the creditors' interest. The United States Trustee appoints these individuals and supervises their performance. Regrettably, the law's demand is not the reality. The Program's substantial efforts to establish standards and impose accountablity have simply not been enough. What has emerged is not only the demand for more intensive supervision, but more expeditious and aggressive enforcement action, as well.

The Program's most recent data (regions must report on a quarterly basis) indicates that there are 2,178 private trustees. Of the 2,178, 970 are individuals who no longer are assigned cases to administer. The individuals in this category have no incentive to close cases, much less administer consistent with fiduciary standards. Nost compelling is that the Program identified in excess of 40,000 cases, filled prior to 1999, that had not been fully and properly administered. Some of these cases dated back to 1979. The failure to close cases in a reasonable period has proven to be a major indicia of misappropriation. As part of its chapter 7 initiative, the Program made the case close close in a reasonable period has priority, and as of October 15, 1992, seventy-three percent of the 40,000 pre-1989 cases were closed similarly, cruting the monies and property of others. Added to this evidence of self-interest by those charged private trustees who have been placed under intense scrutiny by the Program because they cannot account for estate monies. The Program's efforts have revealed that the bankruptcy system continues to be plagued by widespread serious problems.

Audit activity confirms continuing deficiencies by private trustees. During the 1991 fiscal year, the Inspector General, at the request of the Proyram, conducted 348 audits of chapter 7 trustees. The audits found 308 trustees with internal controls so weak as to raise serious concern as to safety of estate monies. One hundred and fifty-eight trustees maintained indequate bankruptcy estate cash records and 297 trustees were guilty of failure to adhere to various Program requirements implemented to ensure fiduciary conduct. During 1992, 432 audits were conducted for which the Program is awaiting findings.

is in this sense that merely establishing accountability structures is insufficient. With the Department's support, Program has embarked on a major initiative to increase the scrutiny of trustees and pursue enforcement actions linet those who cannot fulfill their responsibilities. This requires greater supervision of the trustee's performance eafgeurding monies, pursuing assets, and administering the bankruptcy estate to the benefit of the creditors. eaffocally, the program has: (1) instituted name, fingerprint, credit and tax checks of individuals serving as private in eafeguardir Specifically,

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trustees; (2) required trustees to be bonded, submit to audits and respond fully to deficiencies identified by such audits; and (3) imposed periodic reporting requirements that enable U.S. Trustees to provide greater scrutiny over individual trustee performance. Trustees will be judged, on a yearly basis, on how expeditiously cases are being reserved and how much money is being returned to creditors. These failing to adhere to standards will not receive action. Editing to adhere to standards will not receive action.

ç Confronting those who cannot meet the standards of the law places substantial increased burdens on the Program. Moreover, once the Program is successful in obtaining the resignation or removal of a trustee, the cases assigned trustee must be administered and closed. This responsibility is falling more and more to the Program as competent trustees are unwilling to accept those cases which are many years old, are in chaotic condition, and have minimal Notably, the Program has no authority to remove a trustee, it must pursue litigation in court which often is contested by the trustee and results in a lengthy complex contest that consumes hundreds of attorney, paralegal, and accountant hours. Similarly, when Program attorneys seek a surcharge or the disgorgement of fees predicated on trustee as likely to be a trial on the merits held by the bankruptcy judge, many of whom have a long standing relationship with the trustee. Our staff will carry a heavy burden of demonstrating why these sanctions are justified by the law and facts.

Moreover, the Program continues to encounter those who go beyond failing to uphold fiduciary standards. Since 1987, 32 trustees or their employees, have been convicted of emberziing estate monies. Another was indicted on January 15, 1993. The Program presently has another 20 open inquiries where the private trustee cannot account for estate monies. These circumstances range from limited sums of money at stake with chactic or non-existent records to the loss of several million dollars involving numerous bankruptcy estates, banks and individuals. Two recent inquiry efforts each required three workyears of effort by Program personnel.

n whose repayment <u>Chapter 12</u> cases involve family farmers in which individuals or partnerships are engaged in a farming operation aggregate debts do not exceed \$1.5 million. In chapter 12 cases, the debtors propose a plan to make a partial sof their debts over a three to five year period. These payments are made to a chapter 12 standing trustee, who supervises the debtor's restructuring efforts. The standing trustee is appointed by the United States Trustee.

debtore <u>Chapter 11</u> cases involve the repayment of debts to creditors by individuals with regular income. The chapter 13 de typically retain their property and repay creditors by monthly payments over a period of time, usually three years. Chapter 13 standing trustees assist debtors in devising acceptable repayment plans and making disbursements to creditors

= nd 13 standing trustees handle up to \$35 million annually. In both chapter 12 and 13, the Program is standing trustees' performance of their duties to ensure the safeguarding of monies and the efficient uprogram monitoring includes the review and approval of annual budgets, the resolution of annual audits private accounting firms, as well as the evaluation of monthly reports filed by the trustees. apter 12 and 13 s pervises the star resources. Prog ۵ supervises performed

Chapter 11 reorganization cases are predominantly filled by businesses. The Program's responsibilities in chapter il cases reflect the need for the same level of scrutiny that is required of chapter 7 trustees. Chapter il allows a debtor to propose to the court a plan to restructure its financial affairs. In chapter il, the debtor normally remains in possession and charge of its assets, while it prepares its plan of reorganization. Throughout the process the debtor

has the fiduciary responsibilities of a trustee. Chapter 11 provides an unscrupulous debtor an opportunity to not simply evade the requirements of the law, but to engage in culpable criminal conduct. While referrals of fraudulent activities occur more frequently in chapter 7, the magnitude of fraud, in terms of the dollar amount, may be far greater chapter 11 bankruptcles. Chapter 11 reorganisation cases have been impacted dramatically by the margers and acquisitions of the 1980s. More than half of the 30 largest chapter 11 cases in history have been filed in the past several years, accounting for assets in excess of \$50 billion. The complexity and size of these cases, which involve numerous subsidiaries and thousands of creditors, are far greater than the type of cases filed five years ago.

It is in the chapter il area where the pilot program expended the majority of its efforts and where significant expertise has been developed. It is also in this area where the Program first established structures of accountability. Chapter il debtors must now report monthly on their financial status. Included in this scrutiny is whether mandatory tax payments are being made to federal and state governments, whether insurance is being maintained, and whether thundamental health and safety requirements are being met. Within this context, the Program seeks to ensure that the debtor meets its obligation to disclose its financial condition to its creditors.

A major Program focus in chapter 11 is to facilitate creditor participation. Whether a large or small case is involved, the challenge this imposes is formidable. In the large chapter 11 case, where hundreds of millions of dollars of assets and debt are at stake, the United States Trustee has the statutory duty to formulate and structure creditors' interest. The creditors' committee has the ability to play a vital role in the management of the debtors' affairs, as well as in the formulation of the reorganization plan. This requires an experise in the debt structure and the business or businesses being reorganized. Ultimately, there must be a sense as to what combination of economic interests will allow the case to proceed. Decisions must be made in a manner that does not increase the administrative expenses of the estaction, adds to the broden. The amount of time expended to perform the statutory duties of the Program in the large case is at an unprecedented level.

Beyond the increasing number of large chapter il cases, is the complicating factor that the majority of cases do not have creditor interest. In these cases, the cost of participation for a creditor is too high in view of the probable return. It is in these cases where the ability to abuse the system has its greatest potential. It falls solely to the Program to ensure that the debtor meets its obligations. Even without active efforts to carry out fraud, a debtor has no incentive to move a case, to resolve its financial circumstance. As a result, the Program must expend significant moving the debtor's status and reviewing any proposed reorganization plan. This culminates most often in moving in court to have the case converted to liquidation or dismissed.

5 receives 1986 expansion legislation provided a self-funding mechanism for the U.S. Trustee Program. The Program receive Lion of the bankruptcy filing fee on all cases, as well as a quarterly fee assessed on chapter 11 debtors based disbursements made during the quarter. The chapter 11 quarterly fee is applied to the debtor until a plan of

lease the filling fees and quarterly fees by chapter and chapter it debtors. These increased fees are deposited as offsetting collections in the Fund and ide indirect funding resources to support the Program. We currently project that the increased chapter it will generate \$37,487,000 in indirect funding in 1994. paid by provide į

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reorganization is confirmed or the case is dismissed or converted. These fees are deposited in the U. S. Trustee System Fund. Revenue in the Fund that is not needed for current expenses is invested in Treasury securities, and the income so earned accrues to the Fund.

Monies received from the funding mechanism are far in excess of what the Program has been allowed to expend. A provision in the Program's authorising statute requires that amounts in excess of 110 percent of program needs be transferred to the general fund of the Tressury on Movember 1 of each year. In Movember 1992, the Program transferred \$24,470,000 to the general fund. It is anticipated a similar amount will be transferred this year.

The 1992 Appropriations Act approved 184 new positions for the Program, the first and only significant enhancement to the Program's resources since the nationwide expansion was initiated in 1987. The increases the Congress provided in 1992 have alleviated some of the resource strains of the Program. However, significant challenges will continue to orseror the Program for the foreseable future as the bankruptcy caseload continues to grow. Within existing resources, the Program will etrive to carry out its initiatives to: 1) detect and rectify instances of bankruptcy fraud; including private trustee mismanagement and debtor fraud; 2) improve its oversight of the private trustees, administration of cases, including ensuring that cases are closed in an expeditious manner; and 3) meet the demands of the significant increase in bankruptcy case fillings nationwide.

ACCONTIGEMENTS AND MONITORD: The table below summarizes the accomplishments and workload of the Administration of Cases activity of the United States Trustee Program under chapters ? (liquidation), chapter 11 (reorganization), chapter 12 (family farmer) and Chapter 13 (wage earner repayment plan) of the United States Bankruptcy Code.

			1986	1989	1990	1661	1992	1993	1994
	AGMINISTRATION:		VEENNY		ACEMAL	ACEUAL	ACENAL	197	1782
•	b. # of Fillings 431,231 b. # of Pending (end-of-year) 382,036	(end-of-year)	431,231	464,375	521,360 435,765	638,504	684,866 498,015	734,900	788,500 573,400
ä	a. # of Filings 18,279 b. # of Pending (end-of-year) 78,474	(end-of-year)	18,279	17,623	20,067	23,508 83,474	23,312 85,602	23,100	22,900
ë.	Chapter 12 a. # of Filings. b. # of Pending	Chapter 12 a. # of Filings b. # of Pending (end-of-year)	2,528	1,608	1,320	1,460	1,625	1,800	2,000
÷	Chapter 13 a. # of Filings. b. # of Pending	Chapter 13 a. # of Filings 152,695 173,318 b. # of Pending (end-of-year) 361,014 403,622	152,695 361,014	173,318	207,211	255,484 563,357	267,631	280,500	293,900 830,000
ம்	Total Cases a. # of Pilings 604,733 656,924 : b. # of Pending (end-of-year) 828,196 892,546 ;	(end-of-year):	604,733 828,196	656,924 892,546	749,958 93,227	918,856 1,150,981	977,434	1,040,300	1,107,300

The challenges facing the Program are demonstrated by the increasing bankruptcy caseload. In 1992, there were 685,000 chapter 7 cases filed, a 7 percent increase ever 1990, and more than a 79 percent increase since 1986 when the nationwide Program was established. As a result of this dramatic growth, there are 498,015 chapter 7 cases currently active in the bankruptcy system. This substantial caseload has resulted in imposing the dismaying figure of 448 chapter 7 cases for each Program employee, including 2,502 cases per attorney and 2,540 cases per financial analyst. Moreover, the escalation in the number of cases administered by private trustees from 1986 to 1991 has resulted in more than a 43 percent increase in cases

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dramat has no	Der Der	y priv		Incre	Pera.	Pos.		31 .	(10)
this	02 C	more t							
bult of	Ing 2,	miniet , and		mate		Amount	•	(35.65	51,39
B A re	Includ	aployed		94 Ket		Ä		(310)	667
	oye.	200		1994 Estimate	Perm.	Pos. MX Amount	,	(326) (310) (35,651)	716
tablie i	due un	n case			1	. J			
	Progr	Ln Ch		e) in		Anoun		35,65	52,0
OGERM	r each	lation it inor		94 Bee		Poe. WY Amount	6	(310)	682
arde Pr		percen		19	Perm.	Poer		(326)	726
nation	er 7 c	ver, ti							:
in the	chapt	Moreo					-		ority.
100 VA	0,40	lyst.					Cana	ection	t Auth
Ince 1	figure	iai an esulte	*Tone	PARTE :			tion of	coortey	Direc
	Aying	per financial analyst. Moreover, the escalation in the number of cases administered by private trustees from 1991 has resulted in more than a 43 percent increase in cases per employee, and more than a 32 percent increas	per professional.	PROGRAM CHANGES!			Administration of Cases:	lotal Authority	Total
Tour S	7	192	ž	2			Admi	2 2	;

A program decrease of 10 positions, 16 workyears and \$641,000 is required to meet personnel levels established by the Administration. The reduction will be achieved through attrition.

The parsonnal resources required by the Program were severely under-estimated when the initial staffing allocation was developed for the implementation of the nationwide Program. Moreover, the immense deficiencies of the previous system delayed the program of the responsibilities. The Program's initial efforts have demonstrated that more aggressive action must be undertaken. Added to these circumstances has been a caseload that has escalated to the degree that the system is overwhelmed. While the Program's staffing allocation has grown by approximately 24 percent since the nationwide expansion, current projections indicate that bankruptcy filings have increased nearly 93 percent during this same period.

The position and workyear reductions will require the Program to focus existing resources on meeting its non-discretionary responsibilities associated with a burgeoning bankruptcy caseload and could reduce the Program's regulatory responsibilities in the area of trustee oversight and debtor fraud. Nonetheless, the Program will continue its ongoing efforts to safeguard and strengthen the integrity of the bankruptcy system.

Activity: Management and Administration

LONG-RANGE GOAL! To furnish the United States Trustee Program with effective program management, policy direction, legal advice, administrative support and coordination.

MANOR OFFICALIVES: To develop policies consistent with the "Bankruptcy Judges, United States Trustees and Family Farmers Bankruptcy Act of 1986," (Pub L. 99-554).

To develop policy and program priorities for the nationwide United States Trustee Program.

To provide legal counsel to the Director and the United States Trustees.

To provide oversight of private trustee management activities as well as to gauge the quality of the operations of the Program's field offices.

To provide the full range of administrative support services to field offices, including the procurement of goods and services, travel management, voucher processing, payment of invoices, space and facilities management, personnel and resource management functions and information management services.

To provide physical security for the Program's employees and increase personnel, information and computer security in accordance with the recommendations of the Security and Emergency Planning Staff of the Department of Justice.

To provide limison with Department of Justice components, other central administrative bodies, such as the Office of Management and Budget, the Office of Personnel Management, the General Services Administration, the Administrative Office of the United States Courts, and finally, the Congress.

To manage the United States Trustee System Fund ("Fund").

BASE PROCESSA DESCRIPTION: The Management and Administration budget activity is responsible for providing centralized direction, administrative support, financial and internal control oversight, and legal advice and guidance for the 92 United States Trustee offices nationwide. This centralized support is provided by the Executive Office for United States Trustees (BOUST) located in Mashington, D.C.

The EOUST is composed of the Office of the Director, the Office of Review and Oversight, the Office of the General Counsel, and the Office of Administration. The challenges faced by these components are similar to those encountered by the Administration of Cases activity, <u>i.g.</u>, confronting a dramatic increase in workload while attempting to develop and implement high standards for the Program's operations.

Legal, Pisancial and Administrative Support

The responsibilities of the Management and Administration activity include: 1) developing and directing the Program's long and short term goals, adopting uniform policies and assessing the efforts of the Program's field offices; 2) developing and supervising the Program's litigation activities; 3) conducting the inquiries resulting from the missappropriation of funds by private trustees; 4) developing audit policies and private trustee reporting requirements; 5) coordinating the audits, and supervising the resolution of the audits; and 6) providing administrative services such as personnel, procurement and contracts, automation, budget and finance, training, and facilities management.

Growth in the overall bankruptcy caseload, along with an increase in the number of field offices and staff, have imposed new demands on the small E008T staff. For example, during the period of 1987 to 1992, the number of administrative actions have increased as follows:

101	835	254 1			•		1 87
å	5	2	3	3	3	g	9
Personnel Actions up	Procurement Actions	Review/Processing of Invoices	Space Acquisitions	Office Relocations	Space Renovation Projects	Chapter 11 Quarterly Fee Actions up	Budget Obligations

Currently, the administrative overhead of EOUST consists of 5 percent of the Program's resources, which is significantly below the levels of similar Departmental components. For example, a comparison of the FY 1992 overhead of other Departmental components for administrative and legal support include: the Givil Rights Division, 14 percent; the Criminal Division, 12 percent; the Tax Division, 14 percent; the Civil Division, 10 percent, and the Environmental and Matural Resources Division 9 percent. Moreover, the need for effective management direction, oversight and administrative services is greater in the United States Trustee Program, and more difficult than in these legal divisions because the Program operates through widely dispersed field units.

<u>Office of the Director</u>! The Office of the Director provides comprehensive policy and management direction to the United States Trustees and their staff, as well as establishing policies and quidelines for the operations of the EOUST.

<u>Office of Review and Oversight</u>: The work of the Program's Oversight and Review Office has grown dramatically in the last year as case filings increased and the Program targeted trustee oversight as its major goal. Not only was its small staff submerged under the daily flow of guestions from the field, review of audit findings, analysis of trustee accurity forms and background checks, but it was involved in every investigation of trustee defaintion. It also designed a new form of audit, which the Program's field staff are to conduct of all trustees not reviewed by the Inspector General. As a result, the Office will have twice as many sudits to evaluate as it did last year.

The new chapter 7 initiatives, which mandate an increase in scrutiny of trustees, also will add consequentially to the work of this Office. For example, trustees will receive one year renewable appointments and will have to be evaluated by Program staff before reappointment. The Oversight and Review Office will assess the quality of the written evaluations of trustee performance. Further, the more intense oversight, both in terms of pressure to close cases and evaluations of trustee performance. Further, the more intense oversight, both in terms of pressure to close cases and will put a burden on the Oversight Office in terms of the responsibility to obtain clearance on each new trustee's background, to facilitate training and to respond to fitted. Perhaps the greatest deamed will be the ever proving receiving which are being identified by the more thorough analyses conducted by field straff. The Office is charged with determining whether an embaziement occurred, and, if so, with the reconstruction of pertainent estate accounts. All of these activities must be conducted with precision and often require weeks of a staff

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Derson's time

Another function is its management of a system of internal reviews of United States Trustee field locations. These evaluations, crafted to provide comprehensive information on the status of legal and administrative operations in the Program's 92 offices, is patterned after the practices of the United States Attorneys. Working oldsely with regional managers, the Office drafted a manual, trained field reviewers and confinates the Office drafted a manual, trained field reviewers and confairs the Office drafted a manual, trained field reviewers and correcting deficiencies in regional operations, and collecting and disseminating successful new procedures that may have been adopted only in one region. The Program's first high quality review as conducted in December 1991, after which the manual was reviewed. The Program plans to ordice six evaluations per year. These evaluations, while imperative for assessing compliance with the national goals and policies and for ensuring a consistent quality of performance across the country, are extremely resource intensive. For example, the evaluation of the Program's New York Region will consume 80 percent of a person

<u>General Counsel</u>: The demands imposed upon the General Counsel's office have expanded beyond that which correlates to the escalating cassload. Substantial growth exists in every aspect of the Office's responsibilities, <u>g.g.</u>, the number of appeals, to both the district court and the courts of appeals; the increasing number of matters at the trial court level; the inevitable increase in depositions; FOIA requests and other discovery demands; and the increased calls for legal advice throughout the Program.

More demanding, however, is the role the General Counsel must perform as a result of the chapter 7 initiative and criminal referral efforts. The chapter 7 initiative requires greater oversight of private trustees and a more aggressive enforcement program. The commencement of enforcement actions requires rigorous preparation. Moreover, these efforts are extranously resisted. Increased oversight and enforcement is possible only by a grasp of Program policy, and consistently high standards of advocacy. The Program's policies will be successful only if upheld in court. The leadership role that headquarters must demonstrate falls to the General Counsel, the program efforts to carry out its bankruptcy fraud initiative will have a substantial impact on the General Counsel. Beyond being intricately involved in any major case involving a trustee or debtor, the Office plays a major role in training the Program's employees in this area <u>The Office of Administration</u>: The Office of Administration consists of the Personnel Staff, the Administrative Services Staff, the Facilities Management Staff, the Information Services Staff and the Budget and Finance Sections.

Paragnish: The recent delegation of independent personnel authority from the Department to the Program should speed the hiring process and facilitate a raising of the standards demanded of the staff, it will result in a significant increase in responsibility for providing guidance and management to the United States Trustee Offices in an array of personnel

Ç Administrative Services: The Administrative Services staff engages in a myriad of administrative duties ranging from developing and coordinating all procurement actions, to developing statements of work for all Program-wide contracts, to invoice processing and property management. The section's workload has increased dramatically in recent years. Moreover, as the Program continues to evolve, the Staff is involved in an increasing number of large dollar contracting

<u>Racilities Management</u>: The Facilities Management Staff (FMS) plans, develops and manages the nationwide space program, consisting of 92 offices and over 350 remote meeting facilities. In addition to the management of the acquisition and maintenance of all federal and leased space nationwide, the Staff manages all office relocations, removation projects and telephone installations.

Information Services: The Information Services Staff (ISS) provides daily technical advice and support regarding the automated case management system and other computer related activities. There has been tremendous growth in the volume and complexity of field support duties to which the staff has devoted considerable time and effort.

Budget and Finance: The financial operation of the United States Trustee System Fund ("Fund") is managed through the Budget and Finance Division. The Budget Section is responsible for coordinating and developing the Program's budget, setting forth a resource plan that must undergo Departmental, OMB, and Congressional scrutiny. The Section also is charged with executing that plan. The Finance Section is responsible for setting forth an investment program to maximize the revenue in the Fund for the benefit of the Program and for conducting accounting operations required for control of the Fund.

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2	ē	ACCOMPLIBINGATE AND WORKLOAD! Management and Administration	and Ac	minietr.	ation		
							1994
:1 -	I tell	The state of the s	-	1991	1992	1993	Estimate
•		Chapter 7 Internal (IG)		350	432	550	550
	م ا	Chapter 7 External		0	0	0	150
	ú	Chapter 12 Internal (33	25	9	9
	7	Chapter 12 External (0	0		200
	•	Chapter 13 Internal		. 6	10	10	9
	÷	13 External (150	168	170	178
		A-123 Activities:					
		Internal Control Reviews		12	12	12	12
	ġ.	Management Reviews		4	4	v	9
ų		Procurement Actions:	•	•	4		
	ë	Requiestions	7	200	2,750	3,030	3,270
	۵	Travel Vouchers	۲,	7,500	7,750	8, 135	8,870
	ċ	Purchase Orders		200	1,365	1,640	1,770
	÷	Involces Reviewed & Approved	14,	14,000	14,500	17,790	19,250
	÷	DOJ 080-186		200	1,385	1,390	1,500
÷	S	Space Managent:					
	•	Relocations		11	13	19	25
	۵	Acquisitions		74	120	150	200
	ů	Renovations		160	175	245	245
	ö	Space Layout Designs		125	125	170	180
	ė	Temporary Facilities		30	35	45	4.5
	ij	Reimburgable Work Authorizations		200	250	340	375
	ö	Long-Range Planning: Courts		0	52	35	04
	ė	_		0	15	70	25
ě,	Tel	_		;	•	•	4
	ر نہ	Installstions Still fillstions		= ;	260	900	0 0 0
	i c	Frome Cranges		. v	126	225	300
	, ,	Disconnections		15	130	202	25

7	Atom	1221	1992	1223	1994 Zetimate	•
;	A. Personnel Actions Processed b. Security Actions Processed	4,900	5,400	6,286	6,410	
	K 4	.,	24,600 20,721 43,071	25,900 21,124 45,225 105,764	27,300 22,500 47,486 110,000	
	Address Changes b. Investment Activity	13,909	220	14,713	15,000	
.	Budget and Finance Activities: a. Budget Obligations b. Resources Statements c. Regional Budget Oversight	5, 522 12 0	6,125 12 0	7,044 122 8	8, 101 12 21	
9 4 6 0	PROGRAM CHANGE: Management and Administration: Total Authority Offsetting Collections Total, Direct Authority	1994 Baseline Pos. MT Amount 51 48 57,848 (2) (2) (1,836) 49 46 6,012	nt	1994 Estimate POS. MY Amount 50 47 \$7,793 (2) (2) (1,836) 46 45 5,957	Amount	Ingresse/Degresse Ros. MY Amount (1) (1) (555) (1) (1) (55)

The Management and Administration activity constitutes only about 5 percent of the overall staffing levels of the U. S. Trustee Program. Although the reduction of 1 position will have an effect on the ability of the Executive Office for U. S. Trustees to meet the growing demands of the field offices, the Program will strive to carry out its responsibilities within available resources. A program decrease of 1 position, 1 workyear and \$55,000 is required to meet personnel levels established by the Administration. The reduction will be achieved through attrition.

United States Trustee System Fund Salaries and expenses Financial Analysis - Program Changes (Dollers in thousands)

	Administration of Cases	Management and Administration	ment istration		
	Permanent cut In Pos. & FTE	Permanent cut in Poe, & FTE	nt cut	Total	7
	Pos. Amount	Pos.	Amount	Pos.	Amount
Gredes GS/GM-14 GS/GM-13	(1) (\$113) (1) (92)	• •		E E	(\$113) (92)
GS-12 GS-06 GS-07	(3) (116) (6) (169)	€ : :	3 ::	≘66	(42) (116) (168)
Total positions and annual rate	(10) (489) (5) · · ·	€::	(42)	£ 6 :	(531)
Total workyears and personnel Compensation Personnel benefits Traval and transmostation of parame	(15) (489)	ε	(42)	(16)	(631)
GSA rent. Comm., utilities, and miso charges					
Printing Other services Supplies and materials Equipment				The state of the s	
Total program workyears and obligations changes requested, 1994.	(15) (641)	6	88	(16)	(696)

The United States Trustee System Fund was not subject to administrative reductions because the Program is entirely self—funded by fees collected from debtors.

Maited States Trustee System Pur Salaries and expenses Priority Ranking

United States Trustee System Fund
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1992-- 1994

			1991	4
Cettegory	1992 Authorized	1993 Program Authorized Decreases	Program Decreases	Total
U.S. Trustees/ Asst. U.S. Trustees (301)	102	102	0	102
Benkrupty Analysts (30l)	198	8	(E)	193
Attorneys (905)	199	197	Ξ	28
Paralegal Specialist (950)	227	226	(9)	223
Other Legal and Kindred (900 – 998)	27.9	278	₹	274
Personnel Management (200-299)		7	0	7
Management System Specialists (301)	ਡ	88	Ξ	37
General Administrative and Clerical (300 – 399)	53	52	Ξ	51
Security Specialists (080)	-		0	-
Accounting and Budget (500 – 599)	80	80	0	8
Total	1,110	1,18	(1)	1,092
Washington	51	51	Ξ	8
U.S. Fleid 1/	1,059	1,052	000	1,042
Total	1,110	-,1 8	Ξ	1,092
Offsetting Collections	(326)	(328)	0	(328)
TOTAL DIRECT AUTHORITY	782	775	Ξ	764

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	slaries and expenses	Summery of Change	
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9	60)		
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	Pem.	Work -
1988 as eracled	1,110	20,-
1963 permanent position and workyear reductions	E 2	٦
Nendetory frances ee:	3	2
1983 pay annualization	:	:
Within – grade increases.	:	:
Administrative salary increases	:	:
Heath benefits	:	:
Federal Insurance Contributions Act (FICA).	:	:
Accident compensation	:	:
General Services Administration (GSA) rent	:	:
Postal - equipment purchases.	:	:
Postal equipment rental/maintenance	:	:
Postal - underreported poetage usage	:	:
Government Printing Office (GPO) and Department printing	:	:
Employee data and payroll services	::	:
GSA recurring reimbursable services	:	:
Lease expiration coets.	::	:
General pricing level adjustments	:	:
Total, mandatory increases	0	
Technical FTE Adjustment to reflect actual usage in offsetting collections	::	2
Decreases (FTS Savings).	:	:
Savings to achieve deficit reduction targets	::	:
1994 Baseline	81,	- 08
Program Decreases	Ξ	Ē
1994 Estimate	1,092	- 8
Offsetting Collections	(926)	(312
Total, Direct Authority.	ş	7

*Technical FTE adjustment to reflect actual usage in offsetting collections.

Madeabery, Jogkaries.	AMONA
1, 1991 pay annualitation. This pay annualitation represents only first quarter amounts (october through December) of the 1993 3.7 percent pay increase effective in January of 1993, plus appropriate personnel benefits (\$899,000 pay and \$279,000 benefits).	81,176
A. Mikhin-strade increases the expected increase in costs of within-grade increase. This increase is based on an accurate, dynamic models of the Department's employed appliation which includes numerous factors such as anticipated pay the department's the request attrition/separation rates, and career ladder series to reflect promotion policy for each organisation. The request includes \$519,000 for pay and \$162,000 for benefits.	101
Ambinistrative salary ingresses. This request provides for an expected annual pay adjustment of administratively described salaries for the Assistant U.S. traces and for those U.S. Attorneys occupying ungraded positions in the U.S. Attorneys Offices or sesigned Organized Crime Drug Enforcement Task Porces cases. (\$524,000 for pay and \$125,000 for benefits).	•
4. Mealth bangists. The Federal Employees Mealth Benefitse Act (P.L. 93-244) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. The requested increase of \$133,000 provides funds for the total rate commencing in 1975. The requested increase of \$133,000 provides funds for	3
1. Rederal Insurance Contribution Act (FICA). Beginning the first full pay period after Januery 1, 1922, the base on which earnings for social Security and Health Insurance computations are calculated increased from 557,450 to 559,550 and from 557,450 to \$139,350, respectively.	253
Accident Companantion. This increase reflects the billing provided by the Department of Labor for the actual costs in 1992 of employees' accident compensation. The 1994 amount will be \$6,000.	•
1. General Services Administration (GEA) Bent	3,044
Exertal equipment butchase are to comply with the U.S. Postal Service and the requiring Federal agencies to convert the equipment purchase is necessary to comply with the U.S. Postal Service and the requiring Federal agencies to convert and a direct accountability as the method of internship postage costs for Federal Covernment penalty sail. Complying with the direct accountability requirements cannot be done without procurement of electronic sail processing equipment for use at Department of fifthe and saclatistics across the country and worldwide. This one-time increase of \$183,000 is for purchase of eales.	3
E. Fostal - equipment cental/saintenents. This request provides for the additional increase for the recurring, annual expenses for meter rentals (cannot be purchased) and equipment saintenence necessary for the conversion of federal agencies to the direct accountability method of determining postage costs. An increase of \$46,000 is required.	‡

10. Postal - under responsed mostage usage. The current sampling methods used by the U.S. Postal Service for assessing postage of pensity mail are not designed to provide a high level of precision and have proved highly inaccurate. Based on actual experience of Federal agencies already converted to the direct accountability mathod, the Department's actual postage costs will increase by 12-percent to 51-percent.	\$113
This incresse is needed despite cost containment measures implemented in the Department (e.g., presorting of outgoing mail, entrailised mail room operations), as well as reducing the use of expensive, non-contract sources of urgent-delivery parcels. Estimates besed on actual experiences and professional experience require an incresse of \$123,000 a 25-percent incresse, which is well below that experienced by other agencies.	
11. Government Frinting Office 19701 and Department printing. GPO and the Despersment are currently projecting a 1.7 percent increase over the 1993 printing and duplicating costs of bepartment are currently projecting a 1.7 percent increase over the 1990 printing done either by GPO or the Department's duplicating facilities.	
Contralised employee data and payroll services are provided to all Departmental organisations except the Federal Bursau of Centralised employee data and payroll services are provided to all Departmental organisations except the Federal Bursau of Conter (Mrc), and the continuing level of systems support by the Finance Staff. Decentralising the functions of the Employee Data and Payroll Services is causing increased costs to process personnel and Payroll data. An increase of \$9,000 will be equired in 1993.	
Al GAN RECUITING RELABINIZABLE SETVICES. Relaborate and to GRA for heating, ventilation, air conditioning and quard services provided in sacess formed both supports increase amounts by organization very based on anticipated actual billings. This request for \$320,000 includes a Departmental redistribution that more accurately spreads the current resources.	820
Id. Legist explication costs where of leases known to be expiring in 1984. In many cases the existing leases may be researched to the service number of leases known to be expiring in 1984. In many cases the existing leases may be researched to the service service to the increase includes costs for communications willing for automated systems, additional electrical outlets, etc.) and excludes any increase in rent costs. GRA estimates that, historically, 50 percent of all expiring leases teneracing therefore, the requested increase of \$315,000 includes 50 percent of the estimated relocation costs for known	\$18
18. General Dificing level adjustments. This request applies CMB pricing guidance as of June 9, 1992, to selected expense categories. The increased costs identified result from applying a factor of 31 percent squants those mobolect cleases where the pricing the service the pricing the service the pricing the service system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private servor, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1994	211
TOKAN, MANDAROKY INCKRABRE.	7,514
DECEMBER: LETE 2000 REGISTRON This decrease reflects recently compiled data provided to the Office of Management and Budget by the General Services Administration on TFS 2000. The price redetermination takes into consideration both voice and data services and is an errose-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1994 decrease is \$52,000.	3
2. Savings to schieve deficit reduction tercets	•
Total decreass	17.439
	17.5921
JOKEL ANJURKABATE to BARE	

Unked States Trustee System Fund Saleries and expenses Summery of Pequirements by Grade and Object Class (Dollars in thousands)

	1992	1992 Actual	1993 Av	1993 Availability	<u>2</u>	1994 Estimate	Increase/Decrease	6070410
Grades and salary ranges	Postions & Workyeers	Amount	Postions & Workwears	Amount	Positions & Workvears	Amount	Positions & Workweers	Amount
•								
E8-6, \$117,929	-		-		-		•	
E8-5, \$119,931	-		-		-			
E8-5, \$103,727	53		23		23		: :	
	3		3		8			
GS/GM-14, \$56,627-73,619.	8		80		3		Ξ	
GS/GM-13, \$47,920-62,293	254		251		25.		ΞΞ	
GS-12, \$40,298-52,365	105		105		3		33	
GS-11, \$35,623-43,712	92		2		2			
G8-9, \$27,769-36,123	163		162		68		9	
GS-8, \$25,159-32,710.	0.		6.		2		2	
GS-7, \$22,717-29,530.	127		125		2		9	
GS-6, \$20,443-26,572	8		8		8		Ē ;	
GS-5, \$18,340-23,839.	ŧ		\$		7			
Ungraded positions	8		8		8			
Total, appropriated positions	1,110	\$42,721	1,103	\$47,316	1,092	\$46,785	(13)	(\$531)
	:	325	:	162	:	170	. :	9
	(128)	(1,04)	(105)	(3,532)	(95)	(2.964)	8	246
Savings due to lower pay scales for part of year		(463)		(889)	: :	•	:	800
Net full - time permanent	296	38,542	18.	43,067	1,010	43,960	0	013
Temporary employment	2	8	2	808	ō	\$:	:
	•	210	•	210	₹	210	:	
Other personnel compensation:								
Overtime	*0	- 5	w)	159	so.	159	:	:
Administratively uncontrollable overtime	:	:	:	:				: :
Other compensation.	:	3	:	3	:	3		
Special personal services payments	:	57		62	: :	95		: :
Total, workyears and personnel compensation	18	39,627	1,020	44,367	1.029	45.280	0	610
Average ES Salary		(\$104,703)	1	(\$104,703)	<u>.</u>	(\$109,624)	•	
Average GS/GM Selary		(\$36,906)		(\$36,691)		(\$36,961)		
AWERDS GS/GM Grads		=		5		=		

United States Trustee System Fund Salettee and expenses Salettee and expenses tummery of frequential by Carde and Object Class Minimals of Page 1998 and 199

	1992 Actual	ctual	1983 Availability		1994 Request	ndnest	hcresse/Decresse	Decresse
Object Class	Workyears	Amount	Workyeers	•	Workweers	Amount	Workveers	Amount
11.1 Full-time permanent	200	\$38,642	1.81	143,067	1,010	543 980	•	\$103
	=	1,011	=		=	1,015	:	
	*	217	•	223	*	223	:	
11.8 Special personal services payments	:	57	:	8	:	8	:	:
Total	1,00,1	39,627	1,020	44,367	1,020	45,280	0	610
12 Personnel benefits		9.028		11.436		12.107		671
Berrefts to former		2		=		1		; ;
Travel and transpo		2,748		2,790		2,824		\$2
•		203		3		3		•
		9,757		12,364		15,809		3,445
23.3 Fental payments to others		28		88		8		
		2,674		200.0		2,956		9
24 Printing and reproduction		8		233		233		
Other services		0,363		9,581		9,142		(439)
26 Supplies and materials		1,258		1,279		1,270		
_		3,377		1.89.4		4,342		(549)
	1,00,1	101,00	1,020	90,796	1,020	FE,837	0	4.030
Unobligated balance start - of -year		(20)		(1,277)		:		1,277
Total contraction	100	1/2/1	000	100	900		ind alternatively britains and afterdates of the	
Office ting Collections	(182)	(23,980)	282	(32,300)	(212)	(37.487)		0,5,0
	720	57.221	733	57.221	717	57.350		
						<u>.</u>		
Total colloations		101,08		90,796		PE,837		
Obligated balance, start - of -year		10,364		8.010		4,065		
Obligated balance, end - of -year		(0,019)		(4,085)		(5,623)		
Outleys		62,536		94,732		93,290		
٠.		(23,960)		(32,300)		(37,487)		
Total, Direct Authority Outlays		58,576		62,432		55,812		

U.S. Trustee System Fund Salaries and Expenses Justification of Multi – Activity Program Changes (Dollars in thousands)

					1 88	Ī			
	\$	FTE R	ductions	Admi	nistrati	Administrative Savings		Total	2
	Perm.		Perm.	Perm		Market Commence of the Commenc	Perm.		Proposition of the second seco
	ğ	≩	Amount	Pos.	Pos. WY	Amount	Pos.	Pos. WY	Amount
Total Authority:									
1. Administration of Cases.	5	(35)	(\$641)	:	:	:	9	16	(\$641)
2. Management and Administration	Ξ	Ξ	(55)	:	:	:	Ξ	Ξ	(55)
Subtotal,	Ξ	(16)	(969)	:		:	(11)	(18)	(989)
Offsetting Collections		-		,	-	• • •			
Total, Direct Authority	<u>:</u>	(11) (16)	(989)	:	:	:	Ξ	(11) (16)	(86y)

*The position and workyear reductions will have an adverse effect on the Program's ability to keep up with a burgeoning bankruptcy caseload and to carry out its regulatory responsibilities in the area of trustee oversight and debtor fraud. While the Program's staffing allocation has grown by approximately 24 percent since its 1996 nationwide expansion, bankruptcy fillings have increased nearly 93 percent during this same period. Nonetheless, the Program will continue its ongoing efforts to safeguard and strengthen the integrity of the bankruptcy system.

Mr. Smith. The Committee is pleased to welcome back the Director of the U.S. Trustee System Fund, Mr. John Logan. Mr. Logan, we will place your written testimony into the record and ask that you proceed with your statement.

Mr. Logan. Yes, Mr. Chairman. I request that I just be able to

summarize it.

Mr. Smith. All right.

OPENING STATEMENT

Mr. Logan. Thank you, Mr. Chairman. Let me note that it is a privilege to appear before the Subcommittee today and with me is David McCracken, who is the Deputy Assistant Director for Budget and Finance.

The Chairman related correctly the administration's proposal for fiscal year 1994. That proposal is consistent with the President's initiative to reduce both Federal spending and also Federal employees. We propose in fiscal year 1994 to reduce our positions by 11 and our workyears by 16, which translates into about \$696,000. We also propose to absorb approximately \$1.4 million in other costs, such as automation equipment, furniture, and training.

DEPOSITS TO FUND

The Agency depends upon the funds that are deposited into the United States Trustee System Fund. These funds emanate from assessments made against debtors who have invoked protections under the bankruptcy laws. It remains a significant event, an important event. The Committee's efforts and actions in fiscal year 1992 accomplished two matters: one, raise some of the fees that debtors must pay; and, two, deposit that increased amount of fees into the offsetting collections account. That provided, in fiscal year 1992, and continues to provide, funding for about 186 additional positions. What has evolved as a result of that structure is that the increase in fees will, under the present budget provide about 40 percent of the Agency resources.

U.S. TRUSTEES SYSTEM RESPONSIBILITIES

The Agency's responsibilities, can be divided into two categories. The first is ministerial tasks related to bringing bankruptcy cases to resolution. Examples of this are holding meetings of creditors where creditors inquire of debtors of their circumstances and appointing trustees and reviewing the accounts of these trustees when they propose to close a case.

The second category is the supervision of the administration of bankruptcy estates by the debtors themselves and, just as importantly, by the private trustees who are appointed in, 95 percent of the cases to either liquidate the case or to reorganize the debtor.

In this regard, we have a responsibility to set up accountability mechanisms and to undertake actions to enforce those accountability mechanisms.

Within the past fiscal year, you will see, as many things are, both progress and challenges. The progress can be seen in the

trustee supervision area where we undertook a significant initiative to clearly delineate the standards by which private trustees are to administer a case. An example is that we have now made it clear that trustees will be judged by how expeditiously they close their cases, how much money they return to creditors, and just as importantly, how much they are charging the estate for the services of the trustee and the professionals that the trustee retains.

We also are committed to not simply making clear these standards, but following up with enforcement actions. The enforcement actions range from cutting off the trustee from future cases to seeking, in the event the trustee has not endeavored to adhere to the fiduciary standards of the law, for the court to remove that

trustee from his or her cases.

And finally, of course, the most extreme enforcement action is where we discover the trustee or an employee of a trustee to have embezzled estates monies. And that, of course, results in a prosecu-

tion by the U.S. Attorney.

Examples of where we have shown progress is that if you look to a year ago, we took a snapshot of the cases that were more than three years old, many of which went back to 1979. There were 33,000 cases, I think, all filed prior to 1988. In the time span of the last fiscal year, 20,000 of those cases were closed. Beyond the fundamental issue of moving cases to closure, at the other extreme is that during 1992 eight trustees and employees were convicted of embezzling bankruptcy estate funds.

DEBTOR FRAUD

Moving from the initiative to refining our efforts in the debtor trustee fraud area, the debtor is obligated to come forth to the system and not only receive the protections of the law but also to disclose where his or her assets are.

And in that regard, we have refined what we do in order to provide the U.S. Attorney and the FBI more precise and better information in terms of those debtors who are engaged in concealing or secreting their assets. It was more than an endeavor to improve our own efforts; but a department-wide endeavor to bring a clear focus to bankruptcy fraud. And I think the numbers, as they have evolved over the last two years, are starting to show what the increased coordination with both the U.S. Attorneys and the Bureau has resulted in.

The final effort, which we are still in the midst of, is the circumstance in which the system is justifiably criticized. At the end of the case, money is not handed out to creditors, but to the professionals that have been retained by the estate, those who work in the system. We are struggling to come up with a mechanism, which would have to be court-imposed, to place on the parties themselves, the accountants and the attorneys, to predict what it will cost for their endeavors. We are simply trying to do the same as in the private sector where companies or people who retain their attorneys or accountants ask them how much it is going to cost and have them explain why it costs more.

In all three of these areas I think we saw some progress. We also saw continued challenges. We saw the challenges of a caseload of 970,000 petitions filed last year. We saw cases continue to be ones with a cross-section of issues, from a very small case to the very large case, and their impact on the range of matters that, in fact, affect people's lives, affect the entities that continue to employ

people in a particular community.

The strains that are placed on the system are certainly there. We continue to pursue what I think is fundamental, that the system is supposed to provide a reasonable resolution of the debtor's circumstances in an efficient way. And, to the degree it departs from that, public confidence certainly slips a great deal. That is, of course, a key ingredient to any public process.

course, a key ingredient to any public process.

With those thoughts, Mr. Chairman, other than to reiterate our appreciation for the important support the committee has provided,

I think I will close for your questions.

[The prepared statement of Mr. Logan follows:]

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES

STATEMENT OF THE DIRECTOR
JOHN E. LOGAN
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON THE DEPARTMENTS OF COMMERCE, JUSTICE AND STATE
THE JUDICIARY, AND RELATED AGENCIES

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you today to discuss the 1994 appropriation request for the United States Trustee Program. We are requesting a total of 1,092 positions, 1,024 workyears and \$94,837,000. The request is for a direct appropriation of 764 positions, 712 workyears and \$57,350,000 and indirect funding of 328 positions, 312 workyears and \$37,487,000.

Fiscal Year 1994 represents the sixth consecutive year that the United States Trustee Program has been self-sufficient, with all of its funding derived from fees paid by debtors into the United States Trustee System Fund. For 1994, the portion of chapter 11 fees that are deposited as offsetting collections in the Fund will generate \$37,487,000 and provide 40 percent of the Program's base budget.

In accordance with the President's program, we are requesting decreases of 11 positions, 16 workyears and \$696,000 in order reduce personnel levels for 1994. This decrease would expand reductions of 7 positions and 10 workyears which the Program is making during 1993.

In 1994, the Program will also absorb \$1,450,000 in base reductions as a means of achieving deficit reduction goals. These savings will be achieved through reductions to discretionary expenditures such as travel, training, furniture and equipment.

The Committee's past support of the United States Trustee Program has been important. The 1992 Appropriations Act recognized the Program's critical need for additional resources to meet a rapid and unprecedented growth in the bankruptcy caseload and amended the fee structure relative to chapter 11 bankruptcy cases. Moreover, it established permanent authority for the Program to use the monies generated from theeased fees by directing that they be deposited as offsetting collections.

The Program's authorizing statute at 28 U.S.C. 589(a)(c)(2) limits the amount that can be retained in the System Fund to 110 percent of the Program's annual appropriation. In November of 1992, pursuant to this statute, the Program transferred \$24.5 million from the United States Trustee System Fund to the general fund of the Treasury. Previously, on November 1, 1990, \$6.4 million was transferred to the general fund. The Program estimates that it will transfer in excess of \$25 million on November 1, 1993.

In carrying out its role of supervising the administration of bankruptcy cases filed under chapter 7 (liquidation), chapter 11 (reorganization), chapter 12 (family farmer) and chapter 13 (wage earner repayment), the United States Trustee Program has two basic responsibilities. The first is the non-discretionary tasks of moving the continuing growing volume of bankruptcy cases through the bankruptcy court. The second is that of ensuring that private trustees and debtors adhere to the standards of the law.

It is this second responsibility that is the Program's central mission of strengthening the integrity of the bankruptcy system by ensuring the fair, efficient and effective administration of cases and fostering confidence in the manner by which bankruptcy estates are reorganized or liquidated. In this critical area we continue to confront challenges.

The Program's ability to fulfill its responsibilities is challenged in one sense by the fiscal constraints facing the Administration and the Congress and by the continued escalation in the number of bankruptcy cases. Filings have increased by 93 percent since the expansion of the Program, from 507,000 in fiscal year 1986 to 977,000 in fiscal 1992. Currently, there are 1.2 million cases pending in the bankruptcy system, and it is projected that the number of new cases filed in 1993 will exceed 1 million.

Yet, this is not a new challenge. The Program in the past has performed its responsibilities in a climate of constrained resources and burgeoning caseloads. We have made what we think is significant progress in strengthening private trustee supervision and accountability, prosecuting debtor fraud and closing old cases.

Under chapter 7, a trustee is appointed to liquidate a debtor's assets and distribute the monies to creditors. About a year ago, the Program revised its policy for supervising these cases and the private individuals charged with their administration. This new policy directive fundamentally enhanced the overall structure of accountability. The manner in which estates are administered as well as the return to creditors are among the enumerated factors by which the trustees are now evaluated. U. S. Trustees and Program employees have assumed additional responsibilities to scrutinize private trustee reports, personally follow up on audit reports, ensure that old cases are closed, and initiate enforcement actions when private trustees do not comply with the law's requirements.

Since the implementation of the chapter 7 initiative, the Program has significantly reduced the number of old cases remaining in the system. In January 1992, there were 33,132 chapter 7 cases filed prior to 1988 that remained open. By January 1993, this number had been reduced to 8,476 through the Program's efforts.

Moreover, the enhanced supervision of private trustees, resulted in the conviction of 8 trustees or their employees for bankruptcy fraud during 1992 and 5 during 1993, bringing total convictions to 35. Administrative enforcement actions during 1992 include 29 resignations of individual trustees, 74 suspensions from receiving future cases, 33 motions to remove a trustee filed with the court, and 3 referrals to state licensing agencies. Thus far in 1993, enforcement actions are at a similar pace with 9 resignations, 20 suspensions, and 14 motions to remove.

Progress has also been made in the area of debtor fraud, where the Program has a specific statutory responsibility to refer evidence of criminal conduct to the United States Attorney for prosecution. During 1992, the criminal referral was restructured to provide for the submission of more precise information regarding criminal conduct to the U.S. Attorney and the Federal Bureau of Investigation. During 1991 and 1992, these criminal referrals resulted in 82 convictions with over \$24 million in fines and restitution. As of April 29, 1993, the Program had 53 indictments pending conviction. Overall since 1989, the Program's efforts have resulted in 189 convictions, involving alleged losses of \$88.3 million, and fines and restitution totaling \$52.6 million.

The Program is working to improve the administration of chapter 11 reorganization cases, as well. The chapter 11 handbook has recently been revised with emphasis on the Program's overall goal of structuring creditor committees that will move the chapter 11 cases toward resolution in an expeditious manner, as well as impose obligations on the parties in a case to control costs.

The challenges remain substantial. The Program continues to encounter not an insignificant level of resistance to its efforts toward moving cases more efficiently and creating greater accountability of those entrusted with administering an estate. This is a substantially different environment than that to which many had grown accustomed, and change is rarely either readily or easily embraced. We remain resolute in our commitment.

It is a fundamental responsibility of the Program to ensure that the assets of an estate are distributed to creditors and not to professionals. The number of filings, the size of the cases, the social-economic issues that surround these cases, and the length of the process all bring forth legitimate concerns which must be addressed. We continue to explore efforts we can undertake to improve the system.

The Committee understands the challenges facing the Program and the system as a whole. Through the establishment of the offsetting collections funding mechanism in the 1992 Appropriations Act, this Committee and the Congress manifested its awareness of the resource demands facing the Program. The additional resources provided by this funding mechanism, have allowed the Program to achieve successes that would not have been possible in the absence of such funding. Unfortunately, the offsetting collections component of the Program's funding, originally intended by this Committee to provide expanded services, has been used to fund an increasing proportion of the Program's base level funding.

We appreciate your past efforts to assist the Program and look forward to working with you to resolve the continuing challenges facing the bankruptcy system.

This concludes my prepared statement, Mr. Chairman. I will be pleased to answer any questions which you or any member of the Committee may have.

FEE COLLECTIONS

Mr. Smith. Now, how much could you expect to collect in fees?

Mr. Logan. We will collect in fiscal year, 1993, \$123 million.

Mr. Smith. In 1993? Mr. Logan. Right.

Mr. Smith. What do you expect in 1994?

Mr. Logan. I think it goes up to \$132 million. Mr. Smith. What happens to the fee money?

Let's go at it that way, please give us a breakdown of the \$132 million.

Mr. Logan. Sure. From the appropriation, the \$132 million, comes out by separating the offsetting receipts, which will constitute about \$37 million. Those offsetting receipts are available to us through the reprogramming procedures.

Mr. Smith. Then what happens to the rest of it?

Mr. Logan. The rest of it goes into the Fund, and falls into the structures of Title 28 which calls for every November 1st, if the amount in the fund exceeds 110 percent of the appropriation, it goes to the Treasury.

Actually, this year we were required to transfer—

Mr. McCracken. \$24 million.

Mr. Logan [continuing]. Into the general Treasury, which leaves the fund forever.

And in fiscal year 1994——

Mr. McCracken. Based on this request and our estimated receipts, we anticipate returning another \$27 million to the Treasury from the fund.

Mr. Smith. So you are collecting fees that you anticipate would

be \$27 million in excess of the needs to run the Agency?

Mr. Logan. Well, what we are encountering is that, with the creation of the offsetting account, the base was, in fact, lowered. The base is now \$57 million. We have not seen a rise in the base at all over the last two years. Any increases are being absorbed by the offsetting account. So that is the predicament we are all in, because other than the offsetting account, the fees coming in are simply viewed as revenue, just as taxes are.

IMPACT OF EMPLOYMENT REDUCTION

Mr. Smith. Mr. Rogers?

Mr. Rogers. Now, what impact will the appropriated FTE reduction have on your ability to administer bankruptcy cases in a

prompt, cost-effective way?

Mr. Logan. I would be less than candid to say we haven't quite put it all together yet. On the other hand, we have lived in the past years under constrained resources. It is not an environment we are not used to. It comes down, to what priorities are, as any budget does, to the degree we look at professional fees, the number of audits we undertake, and the number of audit follow-ups. This will all have an impact on how we do our jobs.

INSPECTOR GENERAL REIMBURSEMENT

Mr. ROGERS. Now, you pay the Justice Department Inspector General to perform audits?

Mr. Logan. That is right.

Mr. Rogers. You have for the last two years?

Mr. Logan. That is right.

Mr. Rogers. Will you continue that practice?

Mr. Logan. We will continue to have the reimbursable agreement with the Inspector General, but at what level remains to be seen. The challenge of the audits is not only paying for the work of the Inspector General, but also there is just as much work that goes into following up the audit, ensuring that the trustee who was audited actually makes the changes that the auditors recommended. And it has become a more personnel-intense endeavor.

WORKLOAD AND STAFF INCREASES

Mr. Rogers. Now, you say on page 14 of your justification that the number of bankruptcy case filings has increased by 83 percent since fiscal year 1988.

How much has your staffing grown over that same period?

Mr. Logan. I think it is limited to the fiscal year 1992 appropriation. And that 186 positions, I think, breaks down to about a 20 percent increase.

Mr. Rogers. Increase over 1988?

Mr. Logan. Since then, yes.

Mr. Rogers. Well, we finally have to get down to cases per trustee caseload; isn't that right?

Mr. Logan. Yes.

Mr. Rogers. And I assume the caseload has increased for the trustee, has it not?

Mr. Logan. For U.S. Trustee?

Mr. Rogers. Yes.

Mr. Logan. Generally speaking, yes. There are places in the country where the caseload has actually leveled off. You see the extremes in Los Angeles, New England, and, of course, parts of the sunbelt where the filings continue to rise.

Mr. Rogers. Do you have the ability to shift personnel geographi-

cally to accommodate those types of increases?

Mr. Logan. Limited ability. We confront what you confront with the overall bankruptcy system: The bankruptcy courts are not just simply located in the major cities, they are located around the country. Many of our offices are small offices having four or five people. So it is simply not that easy to relocate people.

Mr. Rogers. Well, I assume that in some parts of the country, your U.S. Trustees are not very busy while in other parts of the

country they are extremely busy.

Is that right or wrong?

Mr. Logan. I would say all our offices are busy, to be candid.

Your latter statement with regard to Los Angeles, New York, and New England is absolutely true. Los Angeles had, I think, almost 90,000 petitions filed last year.

Mr. Rogers. How do you handle that kind of flood in a particular

location? Just work through it?

Mr. Logan. Yes you just work through it. Again, it is a matter of delineating priorities. I think one point you make well is that in particular parts of the country we are able to scrutinize fees better,

and trustees' accounts better. In Los Angeles, that becomes a major challenge.

INCREASED SUPERVISION OVER TRUSTEES

Mr. ROGERS. Well, am I correct that the new system now has done away with that old cozy relationship that I have seen develop in certain places between the bankruptcy judge and certain people who serve as trustees?

Can I be assured that that has ended?

Mr. Logan. Oh, I would hope so.

Mr. Rogers. Can you do more than hope? Can you assure me?

Mr. Logan. I will tell you that we spend our time and our energy ensuring that. I reflect upon the continued resistance we have to changing a world that was very comfortable. The efforts we have

undertaken in Chapter 7, have not been popular.

Mr. Rogers. Well, I mean I know of certain situations—I suspect all of us here can relate to one or the other—where the bankruptcy judge had his favorites out there in the bar who served as trustees who, in turn, would drag out a case interminably while they debated the assets of the debtor until there was nothing left for creditors.

Has that system pretty well been broken up?

Mr. Logan. The important point is that you have to look more beyond what attorneys are getting or accountants are getting, because the longer the case stays in the system, the more money goes out of the estates and to the professionals. That is a key to any attempt to deal with fees in bankruptcy, because the longer the estate lingers, nobody is watching and nobody is accountable. And you are right, we have a major responsibility to bring forth the resolution of those cases.

Mr. Rogers. Thank you very much.

BANKRUPTCY FILING TRENDS

Mr. Smith. Mr. Mollohan?

Mr. Mollohan. Well, just following up a little bit, what is the trend?

As I am looking at it, I think the case filings from last year were increasing as a percentage basis tremendously from 81 percent.

Is that trend continuing?

Mr. Logan. The trend in Chapter 11 reorganizations, I don't think, are continuing to increase. I think you will see Chapter 11 reorganization cases level off. I would suspect that the number of Chapter 7 cases, the liquidation chapter, which are driven by the consumer will continue to go up. It is truly the debtor who is in need of relief, from credit cards and car payments.

Mr. Mollohan. What is that number?

Mr. McCracken. 685,000 cases last year in Chapter 7.

Mr. Mollohan. 1992? That is about a 50,000 increase over the previous year.

Mr. Logan. That is probably true.

Mr. Mollohan. So your request this year assumes an 11 position decrease?

Mr. Logan. That is right.

Mr. Mollohan. Where do you experience that 11 position decrease?

Mr. Logan. We will-

Mr. Mollohan. That doesn't affect your ability to process cases?

Mr. Logan. No. It will not affect our ability to process the cases.

Mr. Mollohan. The active cases?

Mr. Logan. Right. It will have an impact on how effectively we carry out the supervision.

To some degree we are still dealing with trying to refine our own

efforts.

BACKLOG OF CASES

Mr. Mollohan. What is your backlog trend?

Mr. Logan. The backlog trend in Chapter 11 is continuing to back up.

Mr. Mollohan. It is increasing?

Mr. Logan. It is increasing. And I believe sincerely that in terms

of the Chapter 7, the backlogs are coming crashing down.

What we are finding is cases that are sitting out there, where all the trustee had to do was close the case and distribute the monies. It is a little frightening that we had so many cases filed in 1980 that are still open. And there is no real reason why a 1980 case, a bankruptcy case, which is not a major litigation problem, should not be closed.

Mr. Mollohan. Do your requests here address the backlog situa-

tion?

And if your request doesn't do it, how do you expect to do it?

Mr. Logan. What the request delineates is the focus we are bringing on the Chapter 7 work, to bring a greater scrutiny we are putting significant resources into that world, perhaps to the detriment of Chapter 11, reorganization cases. And I think it, again, reflects the priority on both the supervision of the trustees in Chapter 7 and in the Chapter 13, which is the wage earner reorganization.

Mr. Mollohan. Last year in your budget justification you said you were inundated and had a tremendous escalation to describe the increase in your case load.

Mr. Logan. That is right.

Mr. Mollohan. So you requested certain resources to address that problem that you described.

Mr. Logan. True.

COMPARSION BETWEEN 1993 AND 1994 REQUESTS

Mr. Mollohan. Are those resources that you requested and that you are now expending adequate to address this tremendous escalation and this inundation?

Mr. Logan. I would be less than candid not to say that what we are doing is focusing on priorities. As you know, Mr. Mollohan, the request this year is substantially below last year's request.

Mr. Mollohan. So the answer is the resources you are requesting are not going to be adequate to address this problem; is that, correct?

Mr. Logan. They force us to make priorities.

Mr. Mollohan. Well, I am asking, can we anticipate a further increase, a further escalation, tremendous escalation in these cases in the backlog?

Mr. Logan. I would not anticipate further increases in the case

load.

BACKLOG MAINLY IN CHAPTER 11 CASES

Mr. Mollohan. What about the backlog? Are they piling up?

Mr. Logan. In the Chapter 11 area, they are.

Mr. Mollohan. Did you request resources to address that problem that were not approved, either by the department or by OMB?

Mr. Logan. We break down into the changeover in administration. The Department had requested increases for the Agency, both

in the Chapter 11 world and the Chapter 7 world.

The proposal you have before you is the request that the Department made to OMB, essentially. It requires revisiting—I don't mean to be boring—to delineate our priorities to the way we spend our time.

Mr. Mollohan. Thank you.

Mr. Smith. Mr. Price?

Mr. PRICE. Mr. Chairman, I have no questions of the witnesses. Thank you.

Mr. Sмітн. Mr. Taylor?

Mr. TAYLOR. Thank you, Mr. Chairman. I have no questions. Finally recognized and nothing to say.

Mr. Smith. Okay. Thank you very much. Mr. Logan. Thank you, Mr. Chairman.

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